

INDIANA SUPREME COURT

Indiana Office of Court Services



Quarterly Case Status Reports

• QCSR •

Instructions

February, 2017

Indiana Court Information Technology Extranet

• INCite •

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I. General Information

A. Introduction

The Indiana Office of Court Services (“IOCS”) is required to gather statistical data on the work of the courts and information on the receipt and expenditure of public money by or for the operation of the courts under I.C. 33-24-6-3 *et seq.* and administrative rules promulgated by the Indiana Supreme Court. Ultimately, these data are compiled and published in the annual [*Indiana Judicial Service Report*](#).

B. Report Filing

The Quarterly Case Status Report (QCSR) is the report developed by IOCS to collect the required information about the volume and the type of business conducted by the courts and the methods by which cases are disposed.

All reports are filed online using the Indiana Courts Online Reports (ICOR) application through the INCite (Indiana Courts Technology Extranet) website: <https://mycourts.in.gov>. Passwords to access these applications are distributed through the Court Technology Helpdesk at 1-888-275-5822. Each user is assigned their own user ID and password. If you already have a User ID and password, you do not need to get a new one each year. After you sign in, you will be able to select ICOR from your list of applications in INCite. A dashboard will appear with your court(s) that you have been assigned. Each court has their own dashboard screen. A dropdown box will enable the preparer to select the court they are reporting under if they are responsible for more than one court. Each user must notify IOCS if his or her password has been compromised, misused, or is known to an employee who is no longer with the court. The judge is responsible for notifying IOCS of any user who has left the employment of the court.

For instructions on how to use INCite and ICOR to file the reports, please see our guide called “Submitting Reports on ICOR- a PowerPoint Presentation.” This guide, along with worksheets that may help you collect the information that you will need to fill out the actual reports on ICOR, can be found and printed out from the Indiana Courts Website at <http://www.in.gov/judiciary/admin/2462.htm>.

Please remember to save your entries as you progress through the report.

If you must stop to answer the phone or help someone, it is good practice to save the report so that you will not lose any information.

Under Administrative Rule 1(B)(2), judges may require court clerks, reporters, or other officers or employees to furnish needed information. However, final responsibility for incorrect or incomplete information remains with the judge, regardless of who supplied the original data.

C. Filing Deadlines

The QCSR must be filed with IOCS within ten (10) calendar days of the end of each quarter (Admin. Rule 1(B)(3)). The following table reflects the due dates for QCSR reports:

| <u>Quarter</u> | <u>Time Period Reported</u> | <u>Reports to IOCS</u> |
|-----------------------|------------------------------------|--------------------------------|
| Quarter 1 | January - March | April 10 |
| Quarter 2 | April - June | July 10 |
| Quarter 3 | July - September | October 10 |
| Quarter 4 | October - December | January 10 (of following year) |

D. Weighted Caseload Measures

The QCSR data filed with IOCS is used to compute a weighted caseload measure for each trial court. The weighted caseload measure is an index of the judicial resources or judicial time required to process cases filed in the court. During development of the weighted caseload system, an in-depth study was conducted to determine the average amount of judicial time required (both pre-and post-judgment), to process a case in each of the various case type categories. The study also determined the average amount of time in a year that a judge would be expected to devote to strictly case related work. Starting with a 40-hour workweek, deductions were made for vacation and sick time, and time devoted to administrative matters, continuing education, and other non-case related duties to arrive at the amount of time each year to be devoted to cases. This total was determined to be 80,640 minutes.

Not surprisingly, the weighted caseload study found that not all case types require the same amount of time to process. For example, a murder case will take longer than a speeding ticket. For that reason, based on the study, weights are assigned to cases based on the case type. It is important to report the case in the proper case type category at the time of filing because

the “weight” to be assigned to the case is determined at the time of filing.

The weighted caseload measure of a trial court reflects the total amount of judicial resources available to the court, compared to the amount of judicial resources required, on average, to process the cases filed in that court during a year. A weighted caseload measure of 1.0 indicates that the average amount of judicial time required to process all the cases filed in a court during a year equals 1,344 hours (80,640 minutes) or the amount of time anticipated to be devoted to that caseload by a single full-time judge. If that single judge court has a weighted caseload measure of 1.5, it is processing a caseload anticipated to be processed by 1.5 judicial officers. If the same court has a weighted caseload measure of 0.5, it is processing a caseload anticipated to be processed by 0.5 judicial officers.

The weighted caseload measures have been widely accepted and are used as a management tool by individual trial courts, the Indiana Supreme Court, and the Indiana General Assembly.

E. Case File Status Trial Rule 77(G); Administrative Rule 7; Redocketed Cases; Movement of Cases between Courts

Under Trial Rule 77(G), the clerk is required to maintain case files in either a pending or decided status. Under the rule, if a decided case is redocketed for consideration by the court, for purposes of applying the retention schedules set forth in Administrative Rule 7, the disposition date is deleted and the case file is returned to pending status until the case returns to decided status and a new disposition date is assigned.

However, for purposes of statistical reporting of the case on the QCSR, we count dispositions and cases that are transferred-out (to another court in the same county) or venued-out (to a court in a different county). This is done in order to reflect the actual “inventory” of cases that the court has pending at the end of the quarter. Therefore, for QCSR purposes, **only one disposition/transfer-out/venue-out per court per case is counted**. Redocketed cases are not reported on the QCSR. Likewise, if a court has decided a case and a disposition has been entered on the QCSR, if that case is later transferred/venued to another court, the transfer out/venue out is not reported on the QCSR.

For example, a criminal defendant is sentenced to probation in Court A.

Subsequently, the prosecutor who prosecuted the defendant is elected judge of Court A. A petition to revoke probation is filed in Court A. The new judge transfers the case to Court B. Court A will not report this transfer-out on the QCSR, because the case had already been disposed once in that court. Court B would report the case as a transfer-in on the QCSR because that case has now been added to that court's inventory of cases that it must decide; when Court B resolves the probation violation, it will report its disposition of the case on the QCSR.

F. Trial Rule 81.1 Procedures for cases involving family or household members

Effective January 1, 2012, under certain conditions, a court using Family Procedures (defined as coordination of proceedings and processes and information sharing among cases in a court or courts involving family or household members) for a case may exercise jurisdiction over other cases involving the same family or a household (as defined). This rule provides that cases to which Family Procedures are applied can retain their separate case numbers **OR** combine them under one case number if multiple cases are being heard before one judge.

When Family Procedures are used, cases originating in other courts may be "pulled" into the court using Family Procedures. If this occurs, the court in which this case originated should close the case using Line S "Transferred out" if it is in the same county as the court using Family Procedures or Line T "Venued out" if it is in a different county from the court using Family Procedures.

The court that decides to use Family Procedures must enter an order notifying all the parties in all the cases that the court intends to use the Family Procedures and then, within 30 days, must provide each party a list of all the cases selected for use under Family Procedures. The court can set concurrent hearings on some issues and rule on the admissibility of evidence for each separate case.

The recommended best practice is for courts to maintain the separate case numbers for the cases pulled into Family Procedures.

Using common case numbers could pose challenges to court case management systems, has the potential to skew a court's statistics, could cause confusion as to the burden of proof, and could confuse parties on

deadlines for when to file appeals and other pleadings. The confidentiality of the records in cases joined under one case number can also become very problematic. Under Administrative Rule 9, the parties to a case have access to all the records in the case (except in certain situations such as protective orders). The new rule provides records excluded from public access remain confidential to the added parties, even if all cases are consolidated into a single case. This means that the record keeper will need to remember somehow which parties in a case can have access to which records.

For all the above reasons, we do not recommend joinder of cases into one case number. This will mean that the court must enter similar orders and make entries in each “bundled” case file and CCS.

One situation where consolidation under Trial Rule 81.1 could work would be for multiple JP cases involving the same two parents.

If a court does consolidate multiple cases into one, the court should pick the one case that will remain as the primary case, enter an order of consolidation and file the order in each case and each CCS. At that time, the court must enter a statistical disposition for each of the case numbers except the one remaining. Only one case will remain as pending. The others cases will be disposed using Line P “Other.”

II. QCSR Overview: Information reported

There are five sections to the report. The first section contains: (1) Preparer Information, (2) Additional Judicial Officers, and (3) Report Verification Information.

The next three sections of the report, Criminal/Civil Violations, Juvenile, Civil, are all identical to each other, and each contains 4 parts: Part I. Cases before the Court during the Quarter; Part II. Cases Disposed in the Quarter; Part III. Cases Pending at the end of the Quarter, and Part IV. Other information.

The final section contains 2 parts: Part V. Additional Case Information and Part VI. Alternate Judge Time. On the worksheet, there is a Part VII – Explanation and Comment. This explanation and comment section is now seen on the online entry screens after each case type category for ease of reporting, when needed, for a certain section or case type.

III. Instructions for Preparer Page

The Preparer Information section lists the County, the Court ID number, the time period covered in the report, and the name, phone number and email address of the person preparing the report. If any of the pre-filled information needs updating, please contact the Helpdesk at 1-888-275-5822.

The Preparer Information section contains a place to enter other judicial officers who are regularly assigned to the court. These would include magistrates, commissioners or hearing officers. List the title of the judicial officer, the judicial officer's name, and the number of days per week or fractions of days per week that the additional judicial officer is assigned to your court. (For additional explanation, see Appendix A.) If you don't have any additional judicial officers assigned to your court, you must check the box that affirms that no magistrate, etc. is assigned to the court.

Finally, on the first page you must enter the name of the presiding judge for the court. When you have completed the first page, select the "Step Forward" icon and the system will move you to the next page. This step forward will save your section and you will notice on the left side of the screen, a check mark will appear next to the listed section. The report will not be submitted until all listed sections on the left side have check marks beside them. The last check mark is for a review page from which you submit your report.

Once submitted, the report icons on the dashboard turn green and will state "Submitted." This will lock the report and you cannot make changes. If you discover a need to make a correction after you have submitted the report, contact the Helpdesk (1-888-275-5822) and ask that the report be unlocked so that you can make your changes.

IV. Instructions for Criminal/Civil Violations, Juvenile, Civil pages

A. Overview

To count the number of cases handled by the court in the quarter, the report employs a grid that is broken down into three broad case type categories: Criminal/Civil Violations, Juvenile and Civil. Across the top of the grid, each numbered column represents a designated case type, and going down the report the lettered lines represent either an activity or a calculation of the number of cases in each category as shown in the following illustration.

- ✓ Preparer
- ✓ Criminal Part 1
- ✓ Criminal Part 2, Civil Violations
- ✓ Juvenile
- ✓ Civil Part 1
- ✓ Civil Part 2
- ✓ Part V
- ✓ Part VI
- ✓ Review

Criminal Part 1 Close

Criminal Part 1

| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
|-----------------------------------|-----------|--------------------------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|
| | Murder | Criminal Felony (pre 1/1/2002) | Class A Felony | Class B Felony | Class C Felony | Class D Felony | Felony Level 1 | Felony Level 2 | Felony Level 3 | Felony Level 4 | Felony Level 5 | Felony Level 6 |
| WCL Factors --> | 1209 | 155 | 359 | 215 | 211 | 125 | 359 | 339 | 250 | 229 | 207 | 128 |
| PART I: BEFORE COURT | MR | CF | FA | FB | FC | FD | F1 | F2 | F3 | F4 | F5 | F6 |
| A Previously Pending | 0 | 2 | 11 | 27 | 32 | 20 | | | | | | |
| B New Filings | 0 | | 3 | 7 | 5 | 7 | | | | | | |
| C Venued In | 0 | 0 | 0 | 0 | 0 | 0 | | | | | | |
| D Transferred In | 0 | 0 | 0 | 0 | 0 | 1 | | | | | | |
| E TOTAL CASES BEFORE COURT | 0 | 2 | 14 | 34 | 37 | 28 | 0 | 0 | 0 | 0 | 0 | 0 |

If your court does NOT handle cases in one (or more) of these broad categories, click the button for that category. Because of the expansion of the felony levels, the online screen is broken down into two parts for the Criminal case category. The Civil case category is also broken down into two parts for ease of reporting. The grid for that broad category will then open; scroll down and click the box where you affirm that this page does not apply, and hit the "Step Forward" icon.

☐ I affirm that this page does not apply. (Clicking this checkbox will erase all entries made on this page!)

[Step Back](#)

[Step Forward](#)

Then move on to the next broad/part category, and either repeat if your court doesn't handle cases in that category either, or if your court does

handle at least one case type within that broad category, enter your data in the section that applies to your court. Remember that by clicking the “page does not apply” button for a particular screen will delete any data that was imported or entered.

B. Instructions for Columns: Case Type Descriptions

Columns: Case Types

Each case type established by Administrative Rule 8 is defined and examples are given of common cases included in the case type. The examples provided in this manual do not represent an exhaustive list. However, additional examples may be found in our online “QCSR Case Type Quick Reference Guide” at <http://www.in.gov/judiciary/admin/2462.htm>. Select the current year for reporting.

Each case type is also referenced by number which corresponds with the column number included on the grid.

Criminal Jurisdiction

Each defendant is reflected as a single case (Admin. Rule 1(B)(4)). When a person is charged contemporaneously with multiple criminal offenses or infractions arising out the same incident, only one new filing will be reported in the category of the most serious charge against the defendant. The case will remain in that category even if charges are later amended or if the defendant is convicted of a lesser offense. There are two limited exceptions to this rule:

1. A previously filed case is amended to include a charge of Murder. This exception is explained under the description of the MR – Murder case type.
2. A previously filed case is dismissed without prejudice by the prosecutor who then files a new case which includes some or all the charges from the dismissed case plus an even more serious charge against the defendant. The new case would receive the case type of the most serious charge.

If multiple individuals are jointly charged with one or more offenses, the report should reflect the number of cases filed as equal to the number of individuals charged. A separate case number is assigned to each defendant even if both defendants are charged in the same charging Information or

indictment. Case disposition may vary as to each defendant. Beginning January 1, 2011, counts or citations charging ordinance violations are not included as counts in a criminal case that charges crimes or infractions. The Prosecutor's Office should provide charging information at the time of case filing that includes the most serious charge of the offenses. Murder (MR) is the most serious level of criminal offenses, followed in descending order of seriousness by Class A felony, Class B felony, Class C felony, Class D felony, Class A misdemeanor, Class B misdemeanor, Class C misdemeanor, and infractions. Beginning July 1, 2014, the descending order is Felony Level 1 (F1), Felony Level 2 (F2), Felony Level 3 (F3), Felony Level 4 (F4), Felony Level 5 (F5), Felony Level 6 (F6), Class A misdemeanor, Class B misdemeanor, Class C misdemeanor, and infractions.

1. MR – MURDER

All murder cases, as defined by I.C. 35-42-1-1, filed on or after 1/1/2002 are reported under the MR category. If the State has sought either the death penalty or life without parole, this information is recorded in Part V of the QCSR. If a court encounters a case that is amended to reflect a murder charge, the initial criminal case is reported disposed under the "other" category on Line P. of the QCSR and this disposition explained in Part VII. No further statistical reporting would occur for the initial criminal case. The court notes the filing of the Amended Information in the initial case and orders the clerk to

1. open a new MR case,
2. transfer all documents in the initial criminal case file to the new MR case file, and
3. file all future pleadings, motions, notices, and orders under the new MR case number.

This order is entered into the RJO and noted on the CCS of the initial criminal case. The CCS for the new MR case contains an entry that an Amended Information charging Murder was filed in the initial criminal case and that the court ordered that a new MR case number assigned and ordered transfer of all documents filed in the initial criminal case to the new MR case file. For statistical reporting, this new MR case is reported as a new filing so that the Court receives weighted caseload credit for a murder case which carries substantially more weight than any other case type.

2. CF – CRIMINAL FELONY

Although no new filings are permitted for this category, all Class A, B, and C felony cases filed prior to 1/1/2002 were reported under the CF category. Even though new filings under CF are prohibited, existing cases with a CF designation are still disposed, transferred and venued in this category.

3. FA – CLASS A FELONY

All Class A felonies committed on or after 1/1/2002 and before 7/01/14, are reported under the FA category.

4. FB – CLASS B FELONY

All Class B felonies committed on or after 1/1/2002 and before 7/01/14 are reported under the FB category.

5. FC – CLASS C FELONY

All Class C felonies committed on or after 1/1/2002 and before 7/1/14 are reported under the FC category.

6. FD – CLASS D FELONY (with previous DF's combined)

All Class D felonies committed on or after 1/1/2002 and before 7/01/14, are reported under the FD category.

Previously filed DF cases are included in this case type, even though the cause number has not been changed. If a DF is transferred or venued into a court, it will be assigned the FD case type. Contact the Helpdesk if you have difficulty in combining the two case types.

Beginning July 1, 2014, criminal felony filings are categorized and reported on the quarterly case status report on ICOR either as Class A felony (FA), Class B felony (FB), Class C felony (FC), Class D felony (FD) or as Felony Level 1 (F1), Felony Level 2 (F2), Felony Level 3 (F3), Felony Level 4 (F4), Felony Level 5 (F5) and Felony Level 6 (F6) depending on when the alleged crime occurred.

- Felonies occurring prior to July 1, 2014 are reported as a Class A felony (FA), Class B felony (FB), Class C felony (FC), or Class D felony (FD).

- Felonies occurring on or after July 1, 2014 are reported as a Felony Level 1 (F1), Felony Level 2 (F2), Felony Level 3 (F3), Felony Level 4 (F4), Felony Level 5 (F5) or Felony Level 6 (F6).

✓ Preparer

✓ Criminal Part 1

✓ Criminal Part 2,
Civil Violations

✓ Juvenile

✓ Civil Part 1

✓ Civil Part 2

✓ Part V

✓ Part VI

✓ Review

Criminal Part 1

Close

Criminal Part 1

| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
|----------------------------|----------------|--|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| WCL Factors → | Murder 1209 | Criminal Felony (pre 1/1/2002) 155 | Class A Felony 359 | Class B Felony 218 | Class C Felony 211 | Class D Felony 125 | Felony Level 1 359 | Felony Level 2 339 | Felony Level 3 250 | Felony Level 4 229 | Felony Level 5 207 | Felony Level 6 128 |
| PART I: BEFORE COURT | MR | CF | FA | FB | FC | FD | F1 | F2 | F3 | F4 | F5 | F6 |
| A Previously Pending | 0 | 2 | 11 | 27 | 32 | 20 | | | | | | |
| B New Filings | 0 | | 3 | 7 | 5 | 7 | | | | | | |
| C Venued In | 0 | 0 | 0 | 0 | 0 | 0 | | | | | | |
| D Transferred In | 0 | 0 | 0 | 0 | 0 | 1 | | | | | | |
| E TOTAL CASES BEFORE COURT | 0 | 2 | 14 | 34 | 37 | 28 | 0 | 0 | 0 | 0 | 0 | 0 |

7. F1 –FELONY LEVEL 1

All felony level 1 felonies committed on or after 7/1/2014 are reported under the F1 category.

8. F2 – FELONY LEVEL 2

All felony level 2 felonies committed on or after 7/1/2014 are reported under the F2 category.

9. F3 – FELONY LEVEL 3

All felony level 2 felonies committed on or after 7/1/2014 are reported under this F3 category.

10. F4 – FELONY LEVEL 4

All felony level 4 felonies committed on or after 7/1/2014 are reported under this F4 category.

11. F5 – FELONY LEVEL 5

All felony level 5 felonies committed on or after 7/1/2014 are reported under this F5 category.

12. F6 – FELONY LEVEL 6

All felony level 6 felonies committed on or after 7/1/2014 are reported under this F6 category.

13. PC – POST-CONVICTION RELIEF

All petitions for post-conviction relief filed pursuant to the Rules on Post-Conviction Remedies are reported in this case type. When a PC case is filed, the Clerk does not charge filing fees in accordance with PC Rule 1§2.

If a defendant files a petition per PC Rule 2, the Court determines whether the belated filing may be treated as timely filed and disposes of the case by “Bench Trial” or “Bench Disposition” (Lines G or H).

Both the State of Indiana and the defendant have the right to appeal the decision of the PC Court. If the PC Court grants relief, the defendant’s Notice of Appeal, Motion to Correct Error or Appeal is filed under the original criminal case. If the PC Court denies relief and the defendant chooses to appeal the PC Court’s decision or the State of Indiana chooses to appeal the granting of relief, the Notice of Appeal is filed in the PC case. Examples of a PC case:

- Late appeal requests.
- Request for dismissal based on new evidence (i.e. DNA evidence).

Under the PC rules, a Public Defender may discuss the merits of the PC filing and, if they determine the case lacks merit, may withdraw as counsel, and certify to the Court that they discussed the merits of the filing with the defendant and conducted an investigation. The defendant is permitted under the same rule to proceed Pro Se in the case but after the withdrawal, most defendants simply let the case languish. To clear the docket of inactive PC cases, the Court may schedule a status conference hearing to determine if the defendant wishes to pursue the case and, if they do, the Court schedules the case for hearing. If the defendant does not respond or indicates that the case may be dismissed, the Court can dispose of the case on Line I, “Dismissed.”

14. CM – CRIMINAL MISDEMEANOR

All misdemeanor classes (Class A, Class B, and Class C) are combined in this case type.

If a misdemeanor case is pending and the same defendant is subsequently charged with a felony, the cases are only transferred to the same court case *if the charges arise from the same incident*. If they represent two distinct criminal acts, then the defendant will have two criminal cases pending simultaneously. If the charges relate to the same action, the prosecutor can dismiss the misdemeanor case and amend the charging information in the felony case to include the misdemeanor charges. Otherwise, the cases proceed separately. Transfer of a case to the court hearing the felony case is improper without court order. If the court orders the transfer, that transfer is entered on Line S, "Transferred Out."

15. MC – MISCELLANEOUS CRIMINAL

This case type includes criminal matters not classifiable as Felony or Misdemeanor, and which are not part of an ongoing proceeding for which a criminal case type has already been assigned.

Illustrative examples include **probable cause hearings or review of probable cause affidavits in a case not yet filed, petitions for appointment of a special prosecutor, or extradition**. A court may make a probable cause determination based on a written affidavit, sworn testimony at a hearing, or a combination of both. If the prosecutor has not filed a formal charge (by indictment or information) either before or contemporaneously with the probable cause hearing or the judge's review of the probable cause affidavit, then the hearing or affidavit review is assigned an MC case type. The case is disposed by bench disposition when the judge makes the decision as to the existence of probable cause. If criminal charges are ultimately filed, the criminal case is given the appropriate case type for highest class of crime charged in the information or indictment. However, if the prosecutor files the indictment or information either before or contemporaneously with the probable cause affidavit or hearing, then a separate case number is not assigned to the hearing or the judge's review of the probable cause affidavit because these are connected to an ongoing criminal proceeding at this point.

The MC case type also applies when a **search warrant is issued before charges are filed**. In these circumstances, the court issues a MC case number for the search warrant and counts the case as disposed under the "Bench Disposition" category when the warrant is issued or issuance is denied by the judge.

Another example involves a court citation of a person for **criminal contempt**. Criminal contempt (direct and indirect) is directed against the dignity and authority of the court. The objective of a criminal contempt proceeding is to punish the contemnor for actions that lessen the dignity or authority of the court. Sanctions for criminal contempt (direct and indirect) go to the State Common School Fund.

1. Direct criminal contempt occurs when an act is committed in the presence of the court or in such close proximity to it as to disrupt its proceedings. Direct criminal contempt is also defined by statute. See I.C. 34-47-2-1. Direct criminal contempt must be dealt with immediately at the time the judge either observes or otherwise acquires personal knowledge of the contemptuous conduct.
2. Indirect criminal contempt is an act committed outside the presence of the court which nevertheless tends to interrupt, obstruct, embarrass, or prevent the due administration of justice. An act that constitutes an indirect criminal contempt must be characterized by both (1) willfulness, and (2) a deliberate intention either to (a) disrespect the judge, or (b) defy the authority of the judge. An action for indirect contempt often requires the appointment of a special judge whereas direct criminal contempt requires the immediate action of the sitting judge.

Both direct and indirect criminal contempt constitutes a new, separate cause of action and is assigned a separate MC cause number; however, if the direct or indirect criminal contempt occurs in a juvenile case, a separate JM case should be opened.

Criminal contempt (both direct and indirect) is distinguished from civil contempt. **Civil contempt** is an intentional act or omission violating the terms of a court order made for the benefit of an opposing party. The offense is not primarily against the dignity of the court, but rather against the aggrieved party. The objective is not to punish the contemnor but to compel conformance with the court's order for the benefit of the aggrieved

party. A proceeding for civil contempt is filed in the civil matter out of which it arises.

Sometimes **grand jury proceedings** are given case numbers. If the charges have not been filed, the case receives an MC case type. Disposition of a grand jury proceedings is entered on Line P, "Other" rather than another disposition because of the nature of the decision—the jury makes the decision rather than a judge. In the explanation box, enter the description, "Grand jury proceeding."

In a very limited instance, this case type is also used in cases where the prosecutor seeks a **court order to seize property for forfeiture**. A forfeiture case is a civil proceeding and is given an MI case type, not MC. However, the prosecutor or law enforcement may request a court order to seize property that is subject to forfeiture under I.C. 34-24-1. If the seizure request/motion/petition is filed simultaneously or after the Complaint for Forfeiture is filed, the request to seize property does not receive a separate case number; it is simply a petition filed under the MI case number assigned to the forfeiture case.

However, if the prosecutor requests a court order for seizure of property subject to forfeiture before filling a Complaint for Forfeiture being, then the request/petition/motion is assigned an MC case type. The MC case is closed when the order is signed. This exception exists because even though forfeitures are civil actions, the property subject to seizure also generally constitutes evidence that might be used in a criminal prosecution. An order for seizure under I.C. 34-24-1-2 is not a search warrant, but applies the same probable cause analysis as it would for a search warrant and, thus, is assigned an MC case type. If the seizure for forfeiture was assigned an MC case type, any return of property proceeding would require the case to be redocketed and, thus, not reflected on the statistics.

If property was seized by a law enforcement agency and held as evidence in a criminal case under I.C. 35-33-5-5, the law enforcement agency holds the property under the order of the court trying the case. A request for return of property under this circumstance is filed in the court trying the case under that case's case number, and is not filed as a new case.

Another example of an MC case occurs when the court issues an **investigatory subpoena** authorized by I.C. 33-39-1-4 and *Oman v. State*, 737 N.E.2d 1131 (Ind. 2000). Each subpoena issued receives its own case number. The case is closed by bench disposition when the judge authorizes, or declines to authorize issuance of the subpoena.

In accord with I.C. 35-38-5-1 (repealed March 26, 2014), **expungement petitions for adult records** are filed in the criminal case related to the records. If the expungement petition relates to an arrest for which the defendant was not formally charged by information or indictment and a case number was not assigned, the case is given a MC case type and filed in the court with criminal jurisdiction in the county where the arrest occurred.

The MC case type is also used for **probation transfers** received from another county in Indiana (intrastate) or from another state (interstate). When creating an MC case for a probation transfer, the courts dispose of the case statistically at the time it is opened. The statistical closure to be used is Line N, "Closed." See appendix B for details on sending/receiving probation transfers.

The MC case type is also used when a **Re-entry Court case is received from another county**.

Civil Violations

16. IF – INFRACTIONS

This category includes all infractions. As with criminal cases and ordinance violations, multiple offenses (i.e. multiple tickets or citations issued to the same individual or arising from the same circumstances) result in only one case filing even if the various offenses differ in severity or in sanction.

17. OV/OE – ORDINANCE VIOLATIONS

This category involves local ordinance violations. Administrative Rule 1(B)(4) was amended, effective January 1, 2011, to prohibit ordinance violations from being included as counts in a criminal case. Crimes and infractions are brought in the name of the state and are prosecuted by the prosecuting attorney. Ordinance violations are brought in the name of the municipal corporation. For the purposes of this report, all ordinance violations filed with the court are reported in this category. If an ordinance violation must be enforced through court proceedings, it is given an OV case type. If the defendant is found to have violated the ordinance, the violator will be assessed the filing fee. **Moving traffic violations must be enforced**

through a court proceeding, per I.C. 34-28-5-1 *et. seq.* and are given an OV case type.

As with criminal cases and infractions, multiple offenses (i.e. multiple tickets or citations issued to the same individual or arising from the same circumstances), result in only one case filing even if the various ordinance offenses differ in severity or in sanction.

May a city/town court hear county ordinance violation cases?

City and town courts are courts of limited and inferior jurisdiction, and possess only that jurisdiction which the General Assembly confers by statute or such as is necessarily implied or incidental to jurisdiction so conferred. Gill v. State, 111 N.E.2d 275, 276 (Ind. 1953).

The Special Court Committee of the Indiana Judicial Conference presently believes that best practice is that city and town courts do not possess subject matter jurisdiction over ordinance violations of the county because the General Assembly has not expressly conferred that subject matter jurisdiction. See: Indiana Constitution Art. 7 § 8, and, by analogy: *State ex rel. Camden v. Gibson Circuit Court*, 640 N.E.2d 696 (Ind. 1994) (“[T]he subject matter jurisdiction of the circuit courts of the state is entirely a creature of the legislature.”). The phrases “of the city” and “of the town” are presently construed as subject matter jurisdiction geographical limitations.

Municipal Ordinance Violations Bureaus

A municipal corporation may enforce some ordinance violations without proceeding in court if the municipality’s legislative body has designated a schedule of the ordinances for processing through a municipal ordinance violations bureau. Cases disposed by a municipal ordinance violation bureau are not reported on the QCSR because these cases **do not** enter the court system. Previous versions of the QCSR manual instructed courts to use the OE (Exempt Ordinance) case type when a defendant chose to exercise the right to trial for an OV case that could have been paid at the municipal ordinance violations bureau. However, since a court does not treat this type of violation case differently from any other OV case, there is no need to use

the OE case type. **The OE case type still exists but there are no current situations in which it should be used.**

Brief Summary of Municipal Ordinance Violations Bureaus

1. A municipal corporation may enforce some ordinance violations without a court proceeding using a municipal ordinance violations bureau.
2. There are three ways a municipal corporation may establish a municipal ordinance violations bureau:
 - Local ordinance or code. See I.C. 33-36-2-1.
 - Default (by statute the clerk or clerk treasurer of the municipal corporation is designated the violations clerk). See I.C. 33-36-2-2.
 - Interlocal agreement. See I.C. 33-36-1-7 and I.C. 33-36-2-4.
3. The legislative body of the municipal corporation must designate, by ordinance or code, a schedule of ordinance/code provisions of the municipal corporation that may be admitted and paid to the violations clerk. This schedule must indicate the exact amount of civil penalty to be assessed to the violator who elects to admit a violation not a range of possible penalties. A range of possible penalties indicates a judge must decide the amount of the penalty to assess. If a schedule does not exist, or if the schedule only gives a range of penalties for a violation, the ordinance violation must be heard in court as a regular OV case. See I.C. 33-36-3-1(a).
4. The municipal ordinance violations bureau is run by a violations clerk appointed by the legislative body of the municipal corporation or, if a violations clerk was not appointed, the clerk or clerk treasurer is designated the violations clerk. See I.C. 33-36-2-1 and I.C. 33-36-2-2.
5. Ordinances defining moving traffic violations **may not** be paid to the violations clerk for the Municipal Ordinance Violations Bureau. See I.C. 36-1-6-3(c). The violations clerk for the Traffic Violations Bureau may be allowed to take payment on moving traffic violations. See the explanation of Traffic Violations Bureaus on Line M. The violations clerk for the Municipal Ordinance Violations Bureau may also be the violations clerk for the Traffic Violations Bureau, so there is the potential for confusion.
6. The violations clerk can only accept payments of civil penalties of \$250.00 or less. If the penalty exceeds \$250.00, the violations

- clerk cannot accept it and the ordinance violation must be heard in court as a regular OV case. See I.C. 33-36-2-3.
7. The violations clerk may accept payment if the person charged with the offense is willing to waive the right to trial, admit to the violation and pay the stated penalty. See I.C. 33-36-3-2 and I.C. 33-36-3-1(b). This admission is not a judgment and ordinance violation court costs (currently \$70) **are not** assessed. See I.C. 33-36-3-6(a). The civil penalties collected **are not** court revenue and **are not** be reported on the court's Annual Revenue Report since the ordinance violation did not go through the court. Instead, the civil penalties are accounted for by the violations clerk and paid to the municipal corporation as provided by law (unless there is an interlocal agreement) under procedures provided for by the state board of accounts. See I.C. 33-36-3-1(b); I.C. 33-36-2-4; and I.C. 33-36-3-7(b).
 8. If the person wants to challenge the offense, admits to the offense but fails to pay the penalty, or fails to take any action, the clerk reports this action to the official having responsibility to prosecute ordinance violation cases for the municipal corporation. It is up to this official to initiate court proceedings on this ordinance violation in these situations, not the clerk. See I.C. 33-36-3-3 and I.C. 33-36-3-5.
 9. If an ordinance violation charge ends up in court, the case is be opened as an OV and regular ordinance violations court costs (currently \$70) are assessed **unless** the defendant was tried and the court entered judgment for the defendant for the violation. See I.C. 33-37-4-2(d).

Juvenile Jurisdiction

Each child who is the subject of a CHINS (JC), Delinquency (JD), Status (JS), Termination of Parental Rights (JT), Paternity (JP) and Juvenile Miscellaneous (JM) shall receive a separate case number, regardless of his or her familial relationship to another child. (See Administrative Rule 1(B)(c)). This does not affect the court's ability to try related cases and juveniles as one or the court's ability to waive multiple court costs in related cases. For case types JC, JT and in certain circumstances, JD, the court will exercise juvenile jurisdiction if the child is under eighteen (18). According to I.C. 31-30-2-1 a court may retain jurisdiction in a JD or JC case until the child is twenty-one (21). Only one

(1) Juvenile Paternity (JP) case number is created regardless of the number of possible fathers identified.

| Quarterly Case Status Report Worksheet | | | | | | | |
|--|----------------|----------------------|-----------------|--------------------|------------------------|-----------------------------------|-------|
| Juvenile | | | | | | | |
| | 18 | 19 | 20 | 21 | 22 | 23 | |
| | JC | JD | JS | JP | JM | JT | TOTAL |
| | Juvenile CHINS | Juvenile Delinquency | Juvenile Status | Juvenile Paternity | Juvenile Miscellaneous | Juvenile Term. of Parental Rights | |
| WCL Factors > | 176 | 91 | 17 | 146 | 8 | 124 | |
| PART I: BEFORE COURT | JC | JD | JS | JP | JM | JT | |

18. JC – JUVENILE CHINS

This category reflects those cases before the court where a child is alleged to be in need of services as defined by I.C. 31-34-1-1 *et seq.* The case is counted as a “New Filing” when a petition alleging that a child is in need of services is filed. A single, separate case number is created for each child regardless of how many parents or guardians are named.

A child in need of services includes situations in which a child needs care, treatment, or rehabilitation that the child is not receiving and is unlikely to receive without the intervention of the court. The case may include circumstances where the child's physical or mental condition is seriously impaired or seriously endangered. Examples include:

- Child not supplied with necessary food, clothing, shelter, medical care, education, or supervision. I.C. 31-34-1-1
- Child's physical or mental health is seriously endangered due to injury by the act or omission of a parent/guardian/custodial. I.C. 31-34-1-2
- Child is victim of a sex offense. I.C. 31-34-1-3
- Child is allowed to perform in an obscene Performance. I.C. 31-34-1-4
- Child is allowed to commit a sex offense. I.C. 31-34-1-5

See also I.C. 31-34-1-6 through I.C. 31-34-1-11

A JC case is reported as disposed once the Dispositional Hearing has occurred although it may be years before the wardship is discharged/ended.

School truancy cases which result in an informal adjustment are filed under the Juvenile Miscellaneous (JM) category and not as a JC or reported in this category unless the truancy poses a serious endangerment to the child resulting in the filing of a CHINS petition alleging educational neglect under I.C. 31-34-1-1. Truancy cases that become CHINS cases and are issued JC case numbers are subject to the same notice requirements, hearing requirements, periodic review requirements, and records retention requirements established by the CHINS statutes and court rules.

In 2012, the General Assembly created the collaborative care program (funded by Title IV-E of the Social Security Act) to provide services to older youths who are ready to age out, or who have previously aged out, of the juvenile justice system as children in need of services (CHINS). See I.C. 31-28-5.8. Courts may approve collaborative care agreements and retain jurisdiction over an older youth who has entered into a voluntary collaborative care agreement with the Department of Child Services (DCS). These cases are brought by DCS attorneys filing a Joint Petition to allow the older youth to enter a collaborative care program or to approve a collaborative care agreement. Federal eligibility regulations require the discharge of the youth from the CHINS case before a collaborative care case be opened. Thus, the clerk must ensure that the Order Discharging the youth is entered on the CCS of the underlying CHINS case before the

collaborative care case is opened. A collaborative care case should be opened as a JM case.

If an informal adjustment is filed on a child per I.C. 31-34-8-1 *et seq.*, it is assigned a JM number and not a JC case number.

19. JD – JUVENILE DELINQUENCY

This category involves cases in which a child is alleged to be delinquent. A child is delinquent if before becoming eighteen (18) years of age, the child commits an act that would be an offense if committed by an adult (I.C. 31-37-1-2). According to this code cite, a child commits a delinquent act until the age of eighteen (18) unless the acts are exempted from juvenile jurisdiction per I.C. 31-30-1 *et seq.* If the court determines that the juvenile's case should be waived to criminal court, the disposition is entered on Line I, "Dismissed," because the case will be filed as a criminal case, rather than disposed of by the juvenile court.

Starting January 1, 2015, in designated juvenile drug courts, a deferred/diverted disposition is available if the case is disposed by entry into the juvenile drug court.

A JD case may be resolved by an informal adjustment. If this occurs there is no need to open a separate JM case for the informal adjustment, the informal adjustment should be handled within the existing JD case.

20. JS – JUVENILE STATUS

This category involves cases where a child is charged with committing an act that would **not** be an offense if committed by an adult. Status offenses include situations where a child commits a delinquent act and needs care, treatment, or rehabilitation that the child is not receiving or is unlikely to

accept voluntarily without the intervention of the court. Delinquent acts include:

- Leaving home without reasonable cause and without permission. I.C. 31-37-2-2
- Failing to attend school in violation of compulsory school attendance. I.C. 31-37-2-3
- Habitually disobeying the reasonable and lawful commands of a parent/guardian/custodian. I.C. 31-37-2-4
- Violating Curfew. I.C. 31-37-2-5

21. JP – JUVENILE PATERNITY

This category includes Paternity actions filed by any party, including the prosecutor. A separate case number is given to each child. A **support action** where paternity was established by paternity affidavit receives a JP classification. If a protective order is entered involving the parent and child, do not consolidate the PO case with the JP case. A court may “bundle” or “rubber band” the files and hold simultaneous hearings on the cases, but keeps the files separate and makes separate entries on the CCS for all related findings.

In the event the prosecutor and the putative father agree on paternity, the disposition of the case is entered on Line L, “Admission.” An Admission can be entered at any time in the judicial process. However, the “Admission” disposition code is generally used only if an Admission is entered **before** the case proceeds to court. Once the case proceeds to court, even if an Admission is entered, the case is disposed by “Bench Disposition” or “Bench Trial” depending on whether testimony was heard or evidence entered.

Many courts have approved ADR plans. If your county participates in the ADR program, its JP cases referred to ADR will have entries on Line X, “Cases referred to ADR.”

22. JM – JUVENILE MISCELLANEOUS

JM cases are used for juvenile matters that do not fall under other categories.

An informal adjustment filed according to I.C. 31-34-8-1 *et seq.* (which may require participation from the child, the parents, guardians and/or custodians), is assigned a JM number.

If an informal adjustment (JM) is filed and the terms are later violated and a delinquency petition is filed, the JM should be identified as "Bench Disposition," on Line H, and a separate JD case is opened as a New Filing. If the informal adjustment violation does not result in a subsequent delinquency or status filing, the hearing and decisions made in the informal adjustment case are considered post-judgment proceedings.

School truancy cases are most often filed as JM cases however if a CHINS petition alleging educational neglect under I.C. 31-34-1-1 is filed, the truancy case is assigned a JC case number.

In the event a court must issue a search warrant against a juvenile prior to a petition being filed, the search warrant is given a JM case type rather than MC as given to regular search warrant petitions. The distinction is that the juvenile cases are deemed confidential by statute and, thus, the search warrant filing is automatically confidential as well.

If a court must enter a protection order under I.C. 31-34-2.3, JM is the case type assigned rather than PO. The reason is the same as with the search warrant example – the entire file is deemed confidential.

A court approved informal adjustment recommendation from the Juvenile Probation Department is given a JM case type and the disposition is entered on Line G or H depending on whether a hearing was conducted.

A petition to approve a collaborative care agreement (I.C. 31-28-5.8) should be counted as a JM case under the name of the older youth (who was a prior CHINS). This case will remain open until the court enters the order closing the collaborative care agreement. The disposition could be "Bench Trial" or "Bench Disposition". Remember that the JC case must be closed before the JM case can be opened.

23. JT – TERMINATION OF PARENTAL RIGHTS

All proceedings for termination of parental rights are given a JT case number and docketed separately from other proceedings involving the same child. (*State ex.rel. Gosnell v. Cass Circuit Court*, 577 N.E.2d

957(Ind. 1991)). In termination of parental rights cases involving multiple children, a separate case number is assigned to each child. The court may conduct the hearings simultaneously and “bundle” or “rubber band” the files together for ease of process.

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Civil Jurisdiction

Civil Jurisdiction cases are filed when the plaintiff or petitioner seeks monetary damages or Court redress.

Beginning June 1, 2016, Commercial Courts are now available throughout Indiana. There are six pilot courts – Marion Superior Court, Elkhart Superior Court, Lake Superior Court, Floyd Superior Court, Vanderburgh Superior Court, and Allen Superior Court. If a case is filed in a county not listed above and the parties agree to commercial court, the case is venued out to a commercial court. If you have a commercial court in your county, and the parties agree to commercial court, the case is transferred to the court that handles these commercial cases. As with other civil cases, if the case involves multiple parties, the case is not reported as disposed until the case is disposed as to all parties. Report the method of disposition which most

| | | Quarterly Case Status Report Worksheet | | | | | | | | | | | | | | | | | | | | | | | |
|----------------------|--|--|---------------|-------------------------|------------------|------------|--------------|-----------------------|--|---|-----------------------|---------------|-----------|-----------------------|-------------------------|--------------------------|---------------|--------|-------------------|-------------|----------|--------------------------|---------------|--|--|
| | | Civil | | | | | | | | | | | | | | | | | | | | | | | |
| | | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 | 40 | 41 | 42 | 43 | 44 | 45 | | |
| | | CP | PL | MF | CC | CT | SC | DR | DC | DN | RS | MH | AD | ES | EU | EM | GU | TR | PO | XP | TS | TP | MI | | |
| | | Civil Plenary (pre 1/1/2002) | Civil Plenary | Mortgage Foreclosure | Civil Collection | Civil Tort | Small Claims | Domestic Relations | Domestic Relations With Children | Domestic Relations Without Children | Reciprocal Support | Mental Health | Adoptions | Estates Supervised | Estates Unsupervised | Estates Miscellaneous | Guardianships | Trusts | Protective Orders | Expungement | Tax Sale | Verified Tax Petition | Miscellaneous | | |
| WCL Factors > | | 121 | 121 | 24 | 16 | 148 | 12 | | 259 | 39 | 37 | 21 | 49 | 50 | 44 | 9 | 93 | 126 | 28 | 25 | 128 | 21 | 32 | | |
| PART I: BEFORE COURT | | CP | PL | MF | CC | CT | SC | DR | DC | DN | RS | MH | AD | ES | EU | EM | GU | TR | PO | XP | TS | TP | MI | | |

The CP designation is no longer used to report new filings. All cases designated as CP before 1/1/2002, however, will remain as CP cases for venue, transfer, and disposition reporting.

All Civil Plenary cases filed on or after 1/1/2002 are reported under the PL category. The PL category is used for any civil case not easily categorized in a more specific civil category. Generally, these cases may be more complex cases not involving a mortgage foreclosure or the collection of an outstanding debt. The case may also seek non-monetary recovery or relief. Frequently cases involving contract disputes are assigned to this category. Other examples of cases that fall within this category include:

- All mortgage foreclosure cases filed on or after 1/1/2002 are reported under the MF category regardless of a complaint request for *in rem* or *in personam* relief.

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All civil collection cases filed on or after 1/1/2002 are reported under the CC category. CC cases may include the following: suits on notes and accounts, general collection suits enforcing a mechanic's lien, landlord and tenant suits for collection, ejectment, eviction, and complaints to renew a judgment lien that is about to expire.

Cases that are filed on the small claims docket of a court or in the small claims division of a multi-division court receive an SC case designation, including eviction cases that meet the restricted dollar amount.

28. CT - CIVIL TORT

All civil cases founded in tort and filed on the regular civil docket of the court are counted in this category. In general terms, a tort is wrongful act, not including a breach of contract, which results in injury or damage to a person or property. Common examples of tort actions include personal injury actions, medical malpractice, wrongful death actions, libel or slander, trespass, etc. A subrogation claim arising out of tort cases should also be given a CT case type. Torts that are filed on the small claims docket of a court or in the small claims division of a multi-division court continue to receive an SC case designation.

29. SC – SMALL CLAIMS

Cases filed on the small claims docket of the circuit or superior court as established by I.C. 33-28-3-2 *et seq.*, I.C. 33-29-2-2 *et seq.*, and Small Claims Rule 1 receive this case type. When cases are transferred from the small claims docket to the plenary docket, a filing fee is charged and the claim loses its small claim status. (I.C. 33-29-2-7(d)) While city and town courts may have cases that fall within the monetary limits of small claims jurisdiction, those cases are not defined as small claims by the statutes cited above, and are filed as PL (Plenary) or CC (Civil Collections) cases depending upon the nature of the action.

30. DR – DOMESTIC RELATIONS

The DR case type should not be used after 12/31/2016. All new domestic relations cases filed after 12/31/2016 should use the case type DC or DN.

31. DC – DOMESTIC RELATIONS WITH CHILDREN

This category includes petitions for dissolution of marriage, petitions for legal separation and petitions to establish custody and/or child support where the family unit involves children. A petition for dissolution or a petition for legal separation must include the name, age, and address of any living child of the marriage less than 21 years of age, any incapacitated child of the marriage, and whether a party is pregnant regardless of who the father of the unborn child may be. See IC 31-15-2-5 and IC 31-15-3-4. If the petition for dissolution/legal separation includes any of the above information, a DC case should be opened. If the other party files a petition for dissolution pursuant to I.C. 31-15-2 *et seq.*, the case retains the original number assigned and does not receive a new number. However, if the Decree of Legal Separation was signed more than one (1) year before the dissolution petition was filed, a new DC case is opened upon the filing of the Dissolution petition. Please note that when a petition for legal separation is filed and the separation is decreed, the case is statistically disposed by "Bench Trial" entered on Line G, and the separation expires one (1) year after the decree is signed. (I.C. 31-15-3-9). Because the case has been reported disposed, if a party subsequently files a petition for dissolution within the year, the filing and all activity following is not recorded as a separate disposition.

Counter-petitions for separation or dissolution, citations, and petitions to modify are not assigned new case numbers and are not to be reported as separate cases. In each of these situations, subsequent filings are shown filed under the original case number and if the separation or dissolution has been decreed, the filings are post-judgment proceedings.

Counties with approved ADR plans enter all DC cases referred to ADR once on Line X, "Cases Referred to ADR."

32. DN – DOMESTIC RELATIONS NOT INVOLVING CHILDREN

This category includes petitions for dissolution of marriage and petitions for legal separation where the family unit does not involve children.

If a DN case is opened and subsequently the court discovers children are involved or a party is pregnant, the case will proceed as a DN case. The court should **not** close the DN and open a new DC.

If a petition for legal separation is filed, the case is assigned a DN number.

If the other party files a petition for dissolution pursuant to I.C. 31-15-2 *et seq.*, the case retains the original number assigned and does not receive a new number. However, if the Decree of Legal Separation was signed more than one (1) year before the dissolution petition was filed, a new DN case is opened upon the filing of the Dissolution petition. Please note that when a petition for legal separation is filed and the separation is decreed, the case is statistically disposed by "Bench Trial" entered on Line G, and the separation expires one (1) year after the decree is signed. (I.C. 31-15-3-9). Because the case has been reported disposed, if a party subsequently files a petition for dissolution within the year, the filing and all activity following is not recorded as a separate disposition.

Counter-petitions for separation or dissolution, citations, and petitions to modify are not assigned new case numbers and are not to be reported as separate cases. In each of these situations, subsequent filings are shown filed under the original case number and if the separation or dissolution has been decreed, the filings are post-judgment proceedings.

Counties with approved ADR plans enter all DN cases referred to ADR once on Line X, "Cases Referred to ADR."

33. RS - RECIPROCAL SUPPORT

This category includes the registration of foreign support orders under the Uniform Interstate Family Support Act (UIFSA) I.C. 31-18.5-1 *et seq.* (including those based on paternity) and petitions for modification of support or custody and/or support under the Uniform Child Custody Jurisdiction Act, I.C. 31-21-1 *et. seq.*

34. MH – MENTAL HEALTH

This category includes petitions for emergency detention, temporary commitment, and regular commitment. A report from the emergency detention facility following emergency detention is filed in the same case as the petition for emergency detention and is not assigned a new case number. Likewise, treatment plans and periodic reports are filed under the original case number.

MH cases are not disposed upon the entry of an order for 72-hour detention because the MH case is not over at this point. The MH case becomes disposed only after the report is received and additional proceedings, if any,

have been concluded. If the report indicates discharge, voluntary admission, or the filing of an involuntary commitment in another county, the MH case can be disposed using Line I "Dismissed". If the report recommends involuntary commitment, whether temporary or regular, the MH case proceeds to trial and may ultimately be disposed by bench trial, jury trial, or other disposition code.

If the court does not receive the emergency detention facility's report upon the expiration of the 72-hour period of detention, the court should contact the facility and require the prompt filing of the report.

I.C. 12-26-16 allows an individual subject to a mental health proceeding or another interested party to request the court establish a guardianship for the individual or the individual's property instead of making a commitment to a facility. If this action is desired, a separate GU case should be opened. This ensures the guardianship information is placed in the State Guardianship Registry.

35. AD – ADOPTION

An AD "New Filing" is created when a petition for adoption is filed and is disposed when the court enters a final decree or where the petition is dismissed. As of 1/1/2002, AD cases include petitions for adoption as well as petitions for release of adoption information.

Sometimes siblings are adopted simultaneously. As with other cases involving juveniles, each child's adoption receives a separate case number. The judge can waive the second filing fee, however.

The Adoption History (AH) case type is no longer available on the reporting matrix.

36. ES– SUPERVISED ESTATES

Beginning January 1, 2015, ES, EU, and EM have separate columns for QCSR reporting purposes; courts do not need to report each estate category separately for 2015. If the categories cannot be separated, report all estates under the ES case type. **Beginning January 1, 2016**, courts will

report them as separate case types on the reporting matrix.

All probate estates should be opened as supervised (ES) unless the court grants a petition requesting unsupervised administration (EU). When the estate has been fully administered and/or all challenges have been resolved, the court reports the estate as “closed” on line N.

Legislation passed by the General Assembly in 2016 requires that, effective July 1, 2016, all will contests be filed in the same ES or EU case used to probate the estate. No filing fee should be assessed for will contests. The jury trial method of disposition will become available for the ES case type for will contests if needed.

37. EU – UNSUPERVISED ESTATES

A petition for unsupervised administration is typically combined with a petition for probate of the will and letters testamentary or for appointment of an administrator. If the requirements in I.C. 29-1-7.5-2(a) or (b) are met, the court may grant a petition requesting unsupervised administration. When the estate has been fully administered and/or all challenges have been resolved, the court reports the estate as “closed” on line N.

In accordance with I.C. 29-1-7.5-2(d), courts may revoke an order of unsupervised administration and the EU is changed to an ES. To make this change, close the existing EU case using Line P – “Other” and open a new ES case and be sure to cross reference the cases in the CCS.

Distribution of Assets Without Probate Administration

Certain procedures allow for the distribution of a decedent’s assets without the full probate administration process:

- The 45-day (or small estate) affidavit (I.C. 29-1-8-1 and I.C. 29-18-4.5). An EU case type should be opened and regular probate filing fees assessed if the affiant presents the 45-day affidavit to the court and requests a court order that the distributes identified in the affidavit are entitled to payment or delivery of the decedent’s property. The EU case is closed when the court issues the order. Requesting a court order is optional. If no order is requested, no case is opened and no filing fees are assessed.
- Affidavit to transfer a vehicle title (I.C. 29-1-8-1(c)). An EU case should be opened and regular probate filing fees assessed only if the

affiant requests a court order. If no order is requested, no case is opened and no filing fees are assessed.

- Summary administration of a small estate (I.C. 29-1-8-3 and I.C. 29-1-8-4). This procedure allows a small estate to use a shortened procedure to administer the estate. An EU case should always be opened and regular probate filing fees assessed. The EU case will be closed when a closing statement is filed.

Personal Representatives Appointed to Maintain or Defend a Civil Action

A petition to appoint a personal representative to maintain or defend a civil action such as a wrongful death action is given the EU case type and requires the payment of regular probate filing fees. The wrongful death action itself is a completely separate Civil Tort (CT) case.

Legislation passed by the General Assembly in 2016 requires that, effective July 1, 2016, all will contests be filed in the same ES or EU case used to probate the estate. No filing fee should be assessed for will contests. The jury trial method of disposition will become available for the EU case type for will contests if needed.

38. EM - MISCELLANEOUS ESTATE MATTERS

The EM case type was a new category as of January 1, 2009. It includes cases involving matters **related to estates** that **do not require payment of filing fees**. Examples include: filing inheritance tax returns, spreading the will of record (I.C. 29-1-7-4) and opening bank lock boxes. The case is "Closed" when the matter is resolved. If an estate matter begins as an EM case but evolves into an actual estate, simply close the EM case using Line P – "Other" and open either a new EU or ES case. If an EU or ES case is filed, probate filing fees are assessed. Make sure to cross reference the cases in the CCS.

The EM case type is also used when there is an Objection to Probate of Will under I.C. 29-1-7-16.

39. GU – GUARDIANSHIP

A petition for appointment of guardian is reported as a new filing under this category.

Guardianship cases are reported as disposed when the court enters an order establishing the guardianship. The reasoning behind this instruction is because guardianship cases often remain open for many years but IOCS does not want guardianship cases to appear as pending cases in a court's statistics. Previous QCSR manuals instructed courts to use Line N. "Closed" when disposing guardianship cases however Line N. should only be used when the other available disposition codes (Bench Trial, Bench Disposition, etc.) do not apply.

Entering a statistical disposition on the QCSR does not close the case for records management purposes. A guardianship may be open for many years for records management purposes so you should make a notation on the CCS at the time you enter the statistical closure to avoid entering another disposition when the case is actually and finally closed.

If two or more children are from a common parent, separate GU petitions are required under Administrative Rule 1(B)(4)(d) however only a single probate filing fee may be assessed.

If the guardian is termed temporary, the case can be disposed using "closed" because the temporary guardian has a maximum period of 90 days.

It is not possible to extend a temporary guardianship. I.C. 29-3-3-4 states that a temporary guardian may be appointed "for a specified period not to exceed 90 days". The Indiana Judicial Conference's Probate Committee and State Court Administration believe this language sets the maximum period available by law for a temporary guardian to act if appointed and does not find authority in the statute to extend the time for a temporary guardianship case beyond 90 days. The proper practice requires a new petition for temporary guardianship or a petition for a permanent guardianship, based upon and supported by the facts and circumstances of the person then existing (as opposed to simply repeating those facts which prompted the first petition) which would result in a new case number if the temporary guardianship has expired by operation of law. If a new petition is required, the court can still review the circumstances to determine if waiving court costs is appropriate.

A **compromise of a claim for a minor** should be given the GU case type if the case involves a minor AND the amount in controversy exceeds \$10,000. In all other situations, an MI case number is used. See I.C. 29-3-9-7 and

I.C. 29-3-3-1.

Petitions filed under the Uniform Adult Guardianship Protective Proceedings Jurisdiction Act (UAGPPJA) - (I.C. 29-3.5) are given the GU case type. The UAGPPJA grants an Indiana court limited jurisdiction to hear the petition from an out-of-state court that requests assistance in a guardianship or protective proceeding. The assistance may range from holding an evidentiary hearing to issuing an order authorizing the release of medical, financial, criminal, or other relevant information. Standard GU fees are assessed because the relief sought is analogous to an in-state guardianship proceeding.

40. TR – TRUSTS

A petition to docket a trust is a new filing under this category.

This case type also includes supervised trusts that have been created through an estate. The trust will receive a new case number, separate from the estate. When the court has made its decision, the case is disposed on Line N. "Closed."

41. PO – PROTECTIVE ORDERS (Orders of Protection)

Petitions for protective orders not filed in another proceeding are reported as new filings under this category. The majority of these petitions are filed in accord with I.C. 34-26-5-1.

Generally, if a contempt citation is filed for violation of the protective order, it is filed using the same case number.

Criminal charges are filed as Invasion of Privacy and reported under the criminal case type that applies.

Even if parties to the Protective Order are married and subsequently file a petition for Legal Separation or Dissolution, the PO case is NOT consolidated with the DR case. If a PO case is consolidated with a DR case, Trial Rule 42 procedures apply but:

- warnings in the PO forms would be lost in a DR case;
- it would be difficult to enforce any criminal charges related to a

violation of the PO;

- it would be difficult to enforce the gun restrictions;
- the IDACS indicators would be lost in the consolidation;
- enforcement would be more confusing for law enforcement;
- the court would have to hold a second hearing on consolidation prior to the final hearing being held in the DR case; and
- if the PO were contained in the final decree, that portion of the decree would expire by statute after two (2) years, whereas the rest of the decree would stand perpetually.

Any order that relates to the PO case but is filed in a related DR case should have a corresponding order in the PO case. The court cannot enforce an order in a DR case with criminal proceedings, only through a civil contempt citation.

Disposition on *ex parte* protective orders are "Bench Dispositions." If the judge hears evidence, then a "Bench Trial" disposition applies. What happens after is considered post judgment activity.

Child protective orders under I.C. 31-34-2.3 are assigned the JM case type rather than PO because of the confidentiality of the entire case.

When a person registers a Foreign Protective Order with the clerk under I.C. 34-26-5-17(e), that registration is given a PO case number so the foreign protective order can be entered into the protective order registry. This case is **not** reported as a new filing on the QCSR.

42. XP – EXPUNGEMENT

This is a new case type as of July 1, 2015. All expungements filed under I.C. 35-38-9 should be opened with the XP case type.

43. TS -TAX SALE

This is a new case type effective January 1, 2017.

After a landowner has been delinquent on taxes for three periods (1.5 years), the county treasurer, on or before July 1 or 51 days after the tax payment due date, certifies the list of eligible parcels for tax sale. See IC 6-1.1-24-1(a). The county auditor then sends a certified notice and publishes newspaper advertisements alerting the landowner of the lien on the property and that it will be sold at a tax sale. If the landowner does not pay the

delinquent taxes, the auditor files an Application for Judgment for the collection of the unpaid tax liens and this application, which may relate to multiple properties and owners, is docketed as a single TS case. See IC 6-1.1-24-4.6(b).

44. TP -TAX PETITION

This is a new case type effective January 1, 2017.

The buyer at the tax sale must send certified mail notices to all owners within nine months of the sale allowing the owner to redeem the property by the end of the one-year period. The existing owner of the property has one (1) year to redeem the property after a tax sale. If the owner does not redeem, the tax sale buyer of the property may petition the court for a deed. This petition for deed should be filed as a TP case.

45. MI – MISCELLANEOUS

Any civil matter which is unrelated to other pending litigation and which cannot be classified into any of the foregoing categories is reported here. Examples of matters that may receive an MI case number include the following:

A petition for **adult protective services** (If filed by the children of the adult or another organization, the judge may waive the filing fee.)

Applications for Judgment for unpaid taxes filed by the county auditor.

A Compromise of a claim is usually issued an MI case number but may be a GU if the case involves a minor AND the amount in controversy exceeds \$10,000.

Custody petition or a **visitation petition filed by grandparents**
Regular filing fees apply.

Destruction Orders for gun buy-back programs.

Petition for emancipation.

Action for forfeiture of property. Forfeiture actions under I.C. 34-

24-1-1 *et seq.* are civil actions and are given the MI case type regardless of whether criminal proceedings are pending regarding the same property. If a request for seizure of property for forfeiture is filed after or simultaneously with a Complaint for Forfeiture and Reimbursement of Law Enforcement Expenses, the request to seize property does not receive a separate case number; it is simply a petition filed under the MI case number assigned to the forfeiture case.

Action for return of property used in a crime under I.C. 34-24-1-1 *et seq.* If an MI was filed for the Complaint for Forfeiture and Reimbursement of Law Enforcement Expenses, the petition for return of property is conducted under the same case. If neither an MI nor an MC case exists regarding the seized property, the petition for return of property is assigned an MI case type.

Habeas Corpus cases from Department of Correction.

Name change petitions, appointments of appraisers and marriage waivers. These are ordinarily charged a regular filing fee, but the court may waive the fee.

Medical tort claim that is still before the medical review board and not yet before the court, but which has corollary issues requiring judicial action. If a tort case is later filed, it should receive a CT case number.

Petition creating Conservancy Districts in accord with I.C. 14-33. The case is closed when the court enters the final order creating the district. The court should enter an order exempting the file from the regular MI retention schedule since the Board of Directors (I.C. 14-33-5-20) must file a report annually regarding the district.

Petitions for specialized driving privileges. A petition for specialized driving privileges under 9-30-16.3 is given and MI case type and regular civil costs apply.

Petition for Judicial Review of Habitual Violator Suspensions. A Petitioner pays infraction filing fees at time of filing but if the court reinstates their driver's license, they are entitled to a refund. I.C. 9-30-10-7(f).

Petition to Compel Release of a Public Record. A petition to compel the release of a public record under Indiana's Public Records Act (I.C. 5-14-3-9(e)) should be given the MI case type.

Proceedings supplemental to enforce a foreign judgment

Regular filing fees apply and this is counted on the statistical report. I.C. 34-54-11-1. (In-state, different county judgments can be recorded as **Recorded Foreign Judgment** and \$3 is charged but the case type is **CB** rather than MI. When the creditor seeks to execute on the in-state recorded judgment, the CB case is given an MI case type and the filing fee is charged.)

A petition filed by the victim to enforce **Restitution** ordered in a criminal case when the Defendant has not voluntarily paid is given an MI case type and the filing fee is waived. The case is filed for the proceeding supplemental and, therefore, is disposed of on Line P - "Other" immediately upon filing.

Under **civil RICO forfeiture procedures**, I.C. 34-24-2, forfeiture of property is one of the remedies available as a civil remedy for racketeering activity. I.C. 34-24-2-4 also sets forth procedures for return of property. If a seizure is made under the statute, an action for forfeiture must be brought within 30 days after the prosecutor or inspector general receives notice from any person claiming an interest in the property or within 180 days after the property is seized, whichever occurs first. If a forfeiture complaint is not filed within 30 days of receiving the claimant's notice of interest, then the claimant is entitled to file a **complaint seeking replevin, foreclosure, or other appropriate remedy**. If the forfeiture action is not filed within 180 days after seizure, the law enforcement agency "shall return the property to its owner." Forfeitures and seizures under civil RICO are given the same case type designations as brought under the general forfeiture laws. However, because RICO provides for different remedies in the case of return of property, such as foreclosure, actions for return of property under RICO may be given additional civil case type designations such as MF for foreclosure.

Trial Rule 64(A) was amended beginning January 1, 2015 – **Seizure of person or property** - regarding a person taken into custody. A person taken into custody in a civil action must be brought before the court that issued the writ, bench warrant or body attachment, or

before a judicial officer having jurisdiction over the person within 48 hours, excluding weekends and holidays, following the person being taken into custody. The person shall be advised of the procedures under I.C. 34-47-4-2 or I.C. 16-12-6.5 for release, including any bond, escrow amount set by the issuing court in the writ, bench warrant or body attachment.

If the person taken into custody is brought before the court that issued the writ, there is already a case involving that person in this court. If the person is taken into custody in a county that did not issue the writ, then an MI case must be created so the person can be taken before that county judge to be advised of the release provisions, bond, etc. The disposition will be "bench disposition."

Tax warrants filed for further collection proceedings. The case remains open until the warrant is paid or otherwise discharged. As of October 9, 2012, counties are no longer required to open a CB case to record a Department of Revenue tax warrant.

Recognition of Foreign Country Money Judgments under I.C. 34-54-12 should be given the MI case type.

Fee Waiver denials should be given the MI case type but should **not** be counted in a court's statistics.

C. Instructions for Lines – Action of the Case Type

Part I – Before Court

Part I records the cases pending in the court. It includes previously pending, newly filed and cases venued in or transferred into the court.

| PART I: BEFORE COURT | |
|----------------------|---|
| A | Previously Pending |
| B | New Filings |
| C | Venued In |
| D | Transferred In |
| E | TOTAL CASES BEFORE COURT (add A through D) |

Line A – PREVIOUSLY PENDING

Line A represents cases pending before the court on the first day of the quarter with no previously reported dispositions for that court. The number of cases previously pending on the first day of a reporting period should be equal to the number of cases that remain pending on the last day of the immediately preceding reporting period.

Each year for quarter 1, the ICOR system will roll the pending numbers from the previous year to Line A, previously pending for 1/1/XX. However, if you have done a hand count of files and found that the actual number of cases pending before the court on the first day of the new year differs from the number of cases reported as pending on the last day of the 4th quarter of the previous year, Line A in the 1st quarter gives you an opportunity to report the correct number of cases that are pending at the beginning of the year. Then, beginning with quarter 2, the ICOR application will automatically fill in Line A from the previously submitted QCSR totals, Part III, Line T, discussed below and cannot be changed.

Line B - NEW FILINGS

Each court generally receives new filings. Some case types no longer exist for new filings. As of January 1, 2002, Criminal Felony (CF), Civil Plenary (CP) and Adoption History (AH) were discontinued. Although no new filings are permitted under these case types, those cases filed in these categories prior to January 1, 2002 will retain their original designation, for reporting and disposition, regardless of transfer or change of venue.

Line B includes only those cases initiated within the relevant quarter. Even if the case is otherwise redocketed, the court may not include it as a new filing a second time. Effective January 1, 2011 some IntraState probation transfer cases are counted as "New Filings" on Line B. Criminal Procedure Rule 2.3

was amended to allow a court to transfer sanctioning authority for probation violations when probation supervision is transferred. If the sentencing court transfers this authority and the receiving court accepts it, the case should be counted as a "New Filing" on Line B rather than "Venued In" on Line C and the case should be given the MC case type. This allows the receiving court to be credited with some judicial time for the probation transfer case. This new procedure for IntraState probation transfers is explained in more detail in the attached Appendix B.

Line C – VENUED IN

Trial Rule 75, 76 and 79(M) Small Claims Rule 12 and Criminal Rule 12 outline the venue requirements and procedures for changing a case from one county to another. You will enter the number of cases received (for any reason) on Line C. The sending court will report the case as "Venued Out" on Line R as discussed below.

While these cases will receive new case numbers, they will retain the original case type, including those discontinued case types addressed above.

Interstate probation transfers (from another state) are counted as "Venued In" cases and should be disposed statistically at the time they are opened. The statistical closure to be used for disposing of Interstate probation transfers is Line N, "Closed."

IntraState probation transfers (from one Indiana county to another Indiana county) should be handled according to the procedure outlined in the attached Appendix B.

Line D – TRANSFERRED IN

Line D represents the number of cases received by the reporting court from courts within the same county. This category should include cases transferred due to change of judge, special judge appointment as determined by Trial Rule 79 (M), caseload allocation, and transfer of small claims cases to Civil Plenary (PL), even if the small claims transfer occurs in the same court. A case previously venued into a county will be reported as *transferred in* by the reporting court if the sending court is in the same county.

While the transfer of cases normally occurs prior to the disposition of the case, some occur after disposition. Many specialty courts (Drug and Reentry Courts) receive transfers from criminal courts after the case has been disposed. When a specialty court receives a “transferred in” case that was disposed by the transferring court, the case is assigned a new case number with the same case type as it had in the transferring court. It will remain pending in the receiving court until that court disposes of the case by one of the methods described in Part II, at which time its disposition will be counted on the receiving court’s QCSR. The transferring court will not count the “transfer out” on its QCSR because it was already counted once with the disposition of the case before transfer. If your court is a Certified Problem Solving Court and you receive a transferred case, please remember to include this case in your answer to question 7 under Part V.

Line E – TOTAL CASES BEFORE THE COURT

Line E represents the total cases before the court for the reporting period. INCite will automatically compute the totals on this line. Because Line E is automatically computed, if your entries in Part I produce a negative number in Line E, you will receive an error message due to a data validation requirement. Please contact the Helpdesk if you have difficulty correcting this error.

Part II - Disposed

Part II represents the number of cases disposed by the court during the quarter and the manner of disposition. The following illustration shows all the possible methods of disposition generally, but some of these methods are not available for particular case types. If a particular case type cannot be disposed by a certain method, an “X” will indicate that no data can be entered.

For statistical reporting purposes, the court only reports one disposition per case. Legal case dispositions may be reversed, corrected, or otherwise changed however, these changes are not reported.

The method of disposition does not affect a court’s weighted caseload. Multiple charge criminal cases may have a different method of disposition for each charge; however, for statistical purposes the method of disposition to report should be the one that used the most judicial time.

For example, if a criminal defendant is charged with three misdemeanors and one felony charge, the case is reported as a new felony filing. If the felony and one misdemeanor counts are dismissed, the defendant pleads guilty to one misdemeanor count, and a jury trial is conducted on the remaining misdemeanor count, the case should be counted as disposed by jury trial.

If a civil case involves multiple parties, the case is not reported as disposed until the case is disposed as to all parties. Report the method of disposition which most accurately reflects the manner of disposition of the case that used the most judicial time.

| PART II: DISPOSED CASES | |
|-------------------------|-----------------------------|
| F | By Jury Trial |
| G | By Bench Trial |
| H | By Bench Disposition |
| I | Dismissed |
| J | Default |
| K | Deferred/Diverted |
| L | Guilty Plea/Admission |
| M | Violations Bureau |
| N | Closed |
| O | FTA/FTP |
| P | Other |
| | TOTAL DISPOSED CASES |
| Q | (add F through P) |
| R | Venued Out |
| S | Transferred Out |

Line F – BY JURY TRIAL

A case is disposed by jury trial after a jury has been sworn in AND evidence is entered or a witness has been sworn. If the case is disposed prior to the swearing in of a jury or witness or entry of evidence, the court should use a different disposition. If the defendant is found guilty, dispose with this disposition when defendant is sentenced.

Several case types cannot be disposed by jury trial in accord with Trial Rule 38 (A), Rule PC 1 § 5, Small Claim Rule 2 (B)(10), and/or statute.

Line G – BY BENCH TRIAL

For reporting purposes, a bench trial occurs after the first witness has been sworn to testify in a trial without a jury, in accord with Trial Rule 39. A court may conduct a bench trial in every case type; however, **it is important to distinguish bench trials from other hearings.** If a court receives evidence or swears in a witness to testify about matters that do not constitute the ultimate issues framed by the pleadings, the court has not conducted a bench trial. As an example, if a case is resolved following a discovery hearing where a witness is sworn and testifies, the case should be disposed of as a bench disposition, rather than bench trial. The witness may have testified and evidence may have been entered but the issues resolved were not the ultimate issues framed by the pleadings.

In a Juvenile Paternity case (JP), if a father admits paternity through sworn testimony at a hearing, the case is counted as a bench trial.

Line H – BY BENCH DISPOSITION

This category was added to the QCSR in 1999. The data entered on this line should include cases that are disposed by final judicial determination without swearing witnesses such as:

- summary judgment in accord with Trial Rule 56;
- judgment on the evidence;
- approval of Informal Adjustments (juvenile);
- approval of agreed judgments including an agreed entry in a CHINS case;
- an admission of paternity submitted in writing by a father prior to being sworn in and giving oral testimony; and
- cases designated by MC where an arrest or search warrant is issued.

Line I – DISMISSED

This disposition type applies to cases dismissed by the court on its own motion, upon motion of a party or by agreement of the parties. Dismissals, even though they may be without prejudice, are considered dispositions for reporting purposes. If the dismissal is subsequently set aside, further case activity is treated as post-judgment proceedings in a redocketed case.

Dismissals include Trial Rule 41 motions by the party or on the court's own motion. Trial Rule 41 motions include:

- voluntary dismissals by the plaintiff;
- stipulation by the parties due to settlement;
- court reasons; and
- failure to prosecute.

When a case languishes on a docket with no activity or when the trial rules are not followed, the court or a party may dismiss the case after a hearing under Trial Rule 41(E) commonly referred to as the "Call of the Docket."

Line I also includes Trial Rule 12 motions to dismiss in civil cases. If the plaintiff chooses to file an amended pleading to correct errors identified in the Order on Dismissal, the case is considered redocketed. In addition, if an entire civil pleading is stricken pursuant to Trial Rule 12 (E) or (F), the court will report a dismissal. If only a claim is stricken and further claims remain pending, the case has not yet been disposed and the disposition will reflect the final treatment of the issues framed by the remaining pleadings.

Small Claims Rule 10 dismissals are reported on this line as well, even though the dismissal is without prejudice. If a dismissal is set aside, the case is considered redocketed and further events are treated as post-judgment proceedings.

When a prosecutor decides to drop criminal charges, the case is counted as dismissed.

If a defendant has been discharged pursuant to Criminal Rule 4 and the limitations period referenced in Criminal Rule 4(C) has expired, the case is treated as dismissed.

This section does not include Motions to Dismiss after completion of a deferral or diversion program. For reporting purposes, the deferral or diversion program results in disposition on Line K, described below. Courts should make sure any dismissals on successful deferrals or diversions are separated from regular dismissal numbers. Dismissals upon successful completion of the program are not counted on the QCSR because those cases will have already been disposed on Line K.

Line J – DEFAULT

Default judgments in civil cases are entered here. Normally defaults occur when the defendant has not responded to a complaint within the time prescribed by the trial rules. The Plaintiff is entitled to judgment because the defendant has not challenged the filing. Defaults are sometimes granted after repeated failure to comply with trial rules, as a punishment for the violations. Both instances are treated the same on this report. If a default is granted, the court will report the disposition on this line.

This entry of default judgment applies in civil cases, infractions, and ordinance violations. Defaults cannot be entered in criminal or juvenile matters. Default judgments may be set aside pursuant to Trial Rules 55(C), 60(B), and Small Claims Rule 10(C). If a default judgment is set aside, the case is redocketed and all further activity in the case is considered a post-judgment proceeding for statistical reporting purposes. The court must separate the successful reinstatements and not report any subsequent dispositions on further QCSR reports.

Line K – DEFERRED/DIVERTED

The prosecuting attorney may offer a defendant a deferral (used for infraction or ordinance violations only) or pretrial diversion program (used for certain misdemeanors, Level 6, and Level 5 Felonies) rather than proceed to trial on the charge. If the offer is accepted, the paperwork is filed and the case should be reported as a disposed case on this line.

The entry of a deferral or diversion does not legally dismiss the case, but is treated as a disposition for reporting purposes. In the event the defendant does not comply with the program, the prosecutor may resume prosecution of the charge, and the court will redocket the case. For statistical purposes, the case disposition has already occurred.

Examples of deferral or diversion programs include:

- defensive driving classes;
- alcohol awareness classes;
- anger management;
- designated Juvenile Drug Court;
- Problem Solving Court;
- forensic diversion; and

- conditional discharge.

Even though diversion programs are agreed to after a guilty plea is entered, to the extent that the court can discern those where a diversion program will be executed, dispose of the case on this line rather than line L.

The objective of this disposition code is to prevent courts from carrying a large pending criminal caseload when in actuality the case is likely resolved without further court interaction.

Line L – GUILTY PLEA/ADMISSION

This category is used in criminal cases, infractions, ordinance violations, juvenile matters, and protective orders. Courts may encounter situations where this disposition category is appropriate for MI cases.

The court will count the case disposed by guilty plea or admission where the defendant has:

- pled guilty to a criminal offense;
- admitted commission of an infraction or ordinance violation;
- admitted the claims in a juvenile petition;
- admitted to claims in a protective order.

Infraction and ordinance violations are only reported in this category if the case actually comes before the court for decision (thus using judicial time), including those cases involving defendants who **appear in court to plead or admit guilt and pay their fine**. If an admission (or a declaration of nolo contendere) is properly made by mail or before a clerk, the infraction/ordinance violation is reported as disposed under Line M, the Traffic Violations Bureau category.

This line is not used when a defendant enters into a deferral/pretrial diversion program with the prosecutor. Instead, the court disposes of these cases on Line K - "Deferral/Diversion."

If the guilty plea is rejected by the court, then this disposition is not used and the disposition is determined by the action taken by the court.

Line M – TRAFFIC VIOLATIONS BUREAU

This disposition category only applies to infraction and ordinance violations. It does not apply to misdemeanors or felonies. I.C. 34-28-5-7 permits any court to establish a traffic violations bureau and to appoint a violations clerk to serve under the direction of the court. The court must designate the traffic violations that are within the authority of the violations clerk. This category should be used when the defendant elects to pay the penalty for the violation by mailing or delivering payment to the violations clerk or by making payment online and without going to court.

Once a defendant appears in court (and thus uses judicial time) to offer a guilty plea/admission the case is counted as disposed through the "Guilty Plea/Admission" category, on Line L. If the defendant appears in court but does not admit the violation or offer a guilty plea, another disposition category would apply.

To be distinguished from the traffic violations bureaus authorized by I.C. 34-28-5-7, the General Assembly authorized the legislative body of municipal corporations to establish municipal ordinance violation bureaus and to designate a schedule of the ordinances of the municipal corporation within the jurisdiction of the bureau. I.C. 33-36-2-1 *et seq.* and I.C. 33-36-3-1 *et seq.* A brief overview of a municipal ordinance violation bureau is contained in the instructions for OV/OE Ordinance Violations in this manual.

Line N – CLOSED

Originally this disposition category was used to report the closing of estates, trusts, and guardianship proceedings only but is now also used in other situations as well.

If a court receives a notice of removal of the case to federal court or a notice of bankruptcy affecting the last remaining defendant in a case, the court statistically closes the case and counts the disposition in this category. The closure of the case is treated as a disposition for reporting purposes. In the event the case is returned to state court by the federal court or the claim survives the bankruptcy petition, the court will redocket the case. As with all cases, once the disposition was reported for statistical purposes, no other disposition is reported.

Under IC 35-36-3-1(b), when a person has been simply declared incompetent to stand trial, the case remains pending until a regular commitment has been ordered. Once regular commitment has been obtained, the statute does not require immediate dismissal and the court

should dispose of the criminal case using Line N – Closed since the case has not been dismissed nor has there been a determination of guilt.

Line N also includes Foreign Judgments recorded in jurisdictions where the debtor resides or owns property. However, if the filing is simply to record the judgment in the new jurisdiction a CB case is created. When a foreign judgment is filed, it is disposed of on this line at the same time. When the judgment debtor attempts to sell the property (a house or car or other piece of property), the judgment must be paid out of the proceeds before the remaining proceeds are distributed to the debtor. The effect is to protect the judgment owner's ability to be paid.

The closed method is also available for the MC case type, and it is used to close all (intrastate and interstate) probation transfer cases.

Line O – FAILURE TO APPEAR/FAILURE TO PAY (FTA/FTP)

When a defendant fails to appear or fails to pay (when appearance is not compulsory) in an infraction or ordinance violation case, the case technically remains open until payment is made or the case is dismissed. However, the court is left with a substantial backlog of cases that are essentially dormant. For statistical reporting purposes, the case is shown disposed in this category when the defendant fails to appear or fails to pay. Once an infraction or ordinance violation case is reported as disposed for either failure to appear or pay, it is not reported again even if a defendant later appears, pays or proceeds to trial. This disposition category is used even if the court sends the case to the Indiana Bureau of Motor Vehicles after the defendant's failure to appear or pay.

Some counties send these cases to the Violations Bureau if the defendant fails to appear/pay. Nevertheless, the disposition is reported in the FTA/FTP category, rather than Line M, the Violations Bureau category.

This disposition category applies only to infractions and ordinance violations. It does not apply to criminal cases or other types of civil cases.

Line P – OTHER

Disposed cases reported in this category are those which leave the court for a reason other than those listed in Lines F through O. For example, if a case was opened in error, enter the other disposition on Line P. If you have entered dispositions on this line, please describe why in Part VII: Explanation and Comment, discussed below (for the above example, your entry would be "case opened in error"). Other examples include: MC cases opened to track grand jury proceedings. IOCS will consider your comments to determine if another disposition type is more appropriate.

Line Q – TOTAL DISPOSED CASES

This line reflects the total cases reported in Part II, Lines F through P, as disposed or otherwise leaving the system/court. ICOR will automatically total Lines F through P for each case type. As mentioned above, an error message results if your entries cause these totals to exceed Part I, Line E (the number of reported cases before the court, for each case type).

Line R – VENUED OUT

Cases filed in a court but are moved to another county for any reason are reflected in this category. However, Probation Transfers to another county are not counted on the sending court's QCSR because the case is disposed in this court once.

Line S – TRANSFERRED OUT

Cases transferred from one court to another within the same county, or from one court docket to another (such as a move from small claims docket to the civil plenary docket) are recorded here. In the event a motion for change of venue from the judge results in a transfer of the case to another court in the same county, the case is also counted in this category. The sending court records cases transferred under local caseload reallocation plans here as well.

Part III – Pending at End of Quarter

Part III records the number of cases pending before the court at the end of the quarter after the dispositions and transfers are tallied. The system will

automatically tally the case totals for each case type. ICOR will expect you to verify that there are no unintended errors.

| PART III: PENDING AT END OF QUARTER | |
|-------------------------------------|--------------------------------------|
| T | TOTAL (E minus Q minus R minus S) |

Line T – TOTAL

ICOR will automatically calculate the total cases before the court for the end of the quarter. Line T totals result from subtracting the totals on Line Q, Line R, and Line S from the totals on Line E. The number of pending cases shown at the end of the reporting period on Line T, in every case type category, should be identical to the number of pending cases shown at the beginning of the next reporting quarter in each respective case type category (Line A). For the first quarter of each year, Line A will have numbers reported from Line T on the 4th quarter of the previous year. The first quarter is the only time Line A can be adjusted on the report. In quarters 2-4, ICOR will pre-populate Line A with the previous quarter's Line T totals. If changes are needed, the previously submitted QCSRs must be adjusted, resulting in adjusted Line T totals, thus adjusted Line A totals in the succeeding reporting periods. Please note that if previously submitted QCSRs are corrected, IOCS will be notified because the QCSR data entered is used in IOCS publications.

Due to the data validation requirement, an error message is generated if Line T totals result in a negative number. Please do not submit a report with a negative number. Contact the Helpdesk at 1-888-275-5822 or helpdesk@courts.in.gov if you have trouble in correcting this error.

Part IV – Other Information

These entry screens cover statistics tracked by IOCS and the Judicial Center for various statistical reports. ICOR will not accept numbers in this section that exceed the number of cases pending before the court in each case type

category. Entries in these entry screens are only made when each event occurs for the first time, rather than each time the event referenced has occurred (i.e. a judge may continue to hear a case as special judge in another court over several quarters, but should only be reported once in the quarter it was initially assigned to the judge).

| PART IV: OTHER | |
|----------------|---|
| U | Cases Heard by Reporting Judge, as Special Judge, in Other Courts |
| V | Cases Heard by Other Special Judge in Reporting Court |
| W | Cases with Pro Se Litigants |
| X | Cases Referred to ADR |

Line U – CASES HEARD BY REPORTING JUDGE IN OTHER COURTS

This line reflects the number of cases in which the reporting judge accepts jurisdiction for special judge service in other courts pursuant to Trial Rules 76, 79 and 79.1, and Criminal Rule 13. **The case is only counted once when the reporting judge accepts jurisdiction**, and not each time the reporting judge works on that specific case. Include on this line the case when it is assigned even if the judge actually conducts a hearing in his or her own courtroom rather than in the originally assigned courtroom.

Trial Rule 79(M) allows a judge selected as a special judge for a case to transfer that case to the judge's own court if the judge is a regular judge of a court within that county and their court has subject matter jurisdiction over that case type. If the case is transferred to the judge's own court, do not count the case again on Line U as it was already counted when the judge accepted jurisdiction.

If an additional judicial officer who is reported on the front page of this form is appointed special judge in another court, include the special judge service on this line even though the judge is not the actual elected judge for the court.

Line V – CASES HEARD BY OTHER SPECIAL JUDGES

This line records the number of cases in which a judge from another court accepts jurisdiction over a case as special judge from the reporting court pursuant to Trial Rules 76, 79 and 79.1, and Criminal Rule 13. **The case is only counted once when the special judge accepts jurisdiction.** Include on this line cases heard by special judges who are magistrates, commissioners, hearing officers, or referees in addition to elected or appointed judges.

Line W – CASES WITH UNREPRESENTED LITIGANTS (*Pro Se*)

A case is counted in this category if any party has proceeded without attorney representation at any point while the case is open. A case is only counted **once**, however, even if many parties proceed without representation by an attorney or if the status of the litigants changes one or more times during the course of the case. For statistical purposes, once the case is disposed, do not include the case in this category if a party begins to represent themselves without an attorney after the disposition is reported on the QCSR. Count a criminal or juvenile case if, after the hearing in which the defendant is offered an attorney, the defendant refuses or declines any attorney and acts on their own behalf thereafter.

For a civil case, determine representation status starting from the moment the complaint or petition is filed. If a plaintiff files a civil case without the assistance of an attorney, count that case as involving an unrepresented litigant. If a defendant files a document or attends a hearing without an attorney, count the case here unless the plaintiff's unrepresented status was already included. Frequently, courts that exercise small claims jurisdiction will have multiple cases falling into this category.

Litigants who are defaulted are not counted as unrepresented litigants since no information about representation was obtained. A case is counted as involving an unrepresented litigant at any time the court believes at least one party is acting on their own behalf without the assistance of counsel. **Each case is counted here a maximum of one time in the life of the case.** A Court may determine the best method for counting this statistic – some courts count this when a case is disposed; some count this when a litigant files an appearance form.

Infraction and Ordinance cases are not reported as unrepresented litigant cases when the defendant remits payment to the clerk instead of appearing in court. The only time to count them is if they appear before the bench

without attorney representation.

Line X – CASES REFERRED TO ADR

This line is used to track and report the number of cases referred to Alternative Dispute Resolution (ADR). **A case is only counted one time in this category during the entire existence of the case.** A case is counted in the quarter that the court refers the case. This is not a disposition category.

As defined by ADR 1.1, recognized alternative dispute resolution methods include settlement negotiations, arbitration, mediation, conciliation, facilitation, mini-trials, summary jury trials, private judges and judging, convening or conflict assessment, neutral evaluation and fact finding, multi-door case allocation, and negotiated rulemaking. A court may order any covered case to proceed with a form of ADR prior to conducting further court proceedings. If ADR is successful on all issues before the court, then the court will dismiss the case on Line I above. IOCS uses Line X to analyze how many cases use ADR remedies, which in turn supports requests for ADR funding and further enhancement of ADR resources.

Some counties have an approved ADR plan for Domestic Relations and Paternity cases. Include the ADR assignments for these plans as well.

Part V. Additional Case Information

IOCS and other divisions track a variety of information concerning cases filed and heard in the courts. The statistics provided help committees plan enhancements in court services, support grant proposals and other funding requests, and allow the state to determine the use of various court services provided including guardian *ad litem*. The entry fields are all governed by data validation requirements, restricting the number of case totals from exceeding the total of each case type actually pending before the court. Please contact the Helpdesk if you experience difficulty reconciling your records with the data validation requirement.

Part V Close

Part V: Additional Case Information

1. Number of prosecutorial requests received during the quarter for:
(Report number when prosecutor requests death penalty or life without parole.)

Death Penalty 0

Life Without Parole 0

2. A) Number of cases that the reporting judge has that have been under advisement for more than 90 days at the end of the quarter:
(Include all cases for which the reporting judge is responsible in this court, including redocketed and cases heard by a magistrate, commissioner, referee, or hearing officer.) 0

B) Number of cases that the reporting judge, acting as a special judge, has that have been under advisement for more than 90 days at the end of the quarter: 0

3. Number of cases in which indigent counsel was appointed at county expense:
(Include indigent defendants who may be charged a portion of Public Defender Fees.)

| MR | FA | FB | FC | FD | F1 | F2 | F3 | F4 | F5 | F6 |
|----|----|----|----|----|----|----|----|----|----|----|
| 0 | 3 | 5 | 10 | 95 | | | | | | |

| PC | CM | JD | JC | JS | JT | JP | APPEALS | OTHER | TOTAL |
|----|----|----|----|----|----|----|---------|-------|-------|
| 0 | 98 | 3 | 20 | 0 | 2 | 4 | 0 | 29 | 269 |

4. Number of cases in which court interpreter services were used:

| | MR | FA | FB | FC | FD | F1 | F2 | F3 | F4 | F5 | F6 |
|-------------------|----|----|----|----|----|----|----|----|----|----|----|
| A) Gov Entity | 0 | 0 | 0 | 0 | 0 | | | | | | |
| B) Non Gov Entity | 0 | 0 | 0 | 0 | 0 | | | | | | |
| Total | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

| | PC | CM | MC | IF | OV | JC | JD | JS | JP | JM | JT | OTHER | TOTAL |
|-------------------|----|----|----|----|----|----|----|----|----|----|----|-------|-------|
| A) Gov Entity | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| B) Non Gov Entity | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Total | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

c) Please indicate the languages interpreted:

Question 1 – NUMBER OF PROSECUTORIAL REQUESTS RECEIVED DURING THE QUARTER

Please insert the number of cases where the prosecutor requested the *death penalty* or *life without parole*, whether the case proceeded as such or not. If a case was filed in one quarter and the request was received in a subsequent quarter, please report the request in the quarter received.

Question 2 – CASES UNDER ADVISEMENT

a) Number of cases that the reporting judge had under advisement for more than 90 days at the end of the quarter.

Pursuant to Rules 53.1 and 53.2, a court may take a matter under advisement for up to ninety (90) days. This section includes all matters under advisement, whether heard by the judge, magistrates, commissioners, hearing officers, or referees. Examples include:

- motions for summary judgment;
- petitions for declaratory judgment;

- motions for final judgment;
- motions to compel;
- motions to dismiss.

b) Number of cases that the reporting judge, serving as special judge, had under advisement for more than 90 days at the end of the quarter.

Please report the number of cases the reporting judge, acting as special judge, has had under advisement for more than 90 days at the end of the quarter.

Question 3 – NUMBER OF CASES IN WHICH INDIGENT COUNSEL WAS APPOINTED AT COUNTY EXPENSE

According to the Indiana Constitution and case law, all persons are entitled to representation in criminal and juvenile cases as well as appeals. If the court considers a defendant indigent, the court will appoint the defendant a Public Defender.

Please note the number of cases in which counsel was provided in each case type where the county incurred expense. If a portion of the legal fees were reimbursed, include the case. The case is reported only in the first quarter in which indigent counsel served. If counsel is appointed to represent the defendant in the trial court and the trial court then appoints counsel to represent the defendant on appeal, the case is counted both in the proper case type **and** in the appeals section. If indigent counsel is appointed at county or partial county expense in case types not listed, please combine, and enter that final tally in the “other” column. Beginning July 1, 2014, the new felony levels were included for reporting.

Question 4 – COURT INTERPRETERS

Court interpreter services can occur in every case type before the Indiana courts. IOCS seeks to track those interpreter services that were fully or partially provided by a state, county, or local government entity (line a) as well as those interpreter services provided in some other manner (line b), in the listed case types.

If court interpreters were provided in case types not listed, please combine the numbers, and enter that final tally in the “other” column.

Each case is counted once; i.e. in the first quarter in which interpreter services were provided. Count one time per case per court even if there are multiple parties with multiple interpreters.

a) Number of cases in which court interpreter services were used and were provided by a government entity. i.e. court or public defender provides court interpreter.

b) Number of cases in which court interpreter services were used and were provided in some manner other than a government entity. i. e. private attorney or defendant provides court interpreter.

c) Please indicate the languages interpreted.

ICOR provides a drop-down menu where you may choose among several frequent languages provided in past reports. Please choose "other" if the language is not listed in the menu. ICOR will not limit the number of languages you choose.

| | | | | | | | |
|--|----|----|----|--|----|-------|-------|
| 5. Number of cases in which a guardian ad litem/court appointed special advocate was appointed: | | | | | | | |
| JC | JD | JP | JT | JM | DR | OTHER | TOTAL |
| 15 | 0 | 0 | 1 | 0 | 0 | 0 | 16 |
| 6. Number of Court Business Record (CB) designations that were issued during the reporting period: 1 | | | | | | | |
| 7. If your court is a certified problem solving court, list type of court and how many people entered in the reporting period: | | | | | | | |
| Type Of Certified Court | | | | How many people entered in the reporting period? | | | |
| No Selection | | | | 0 | | | |

Question 5 – **NUMBER OF CASES IN WHICH A GUARDIAN AD LITEM/COURT APPOINTED SPECIAL ADVOCATE WAS APPOINTED.**

This section does not include guardianship cases (GU case type), which involve a different type of guardian. Frequently, guardians *ad litem* (GAL) and court appointed special advocates (CASA) are appointed in juvenile or domestic cases but occasionally they are appointed in other case types. Please indicate the number of appointments for each case type in the reporting period. Only report the appointment in the first quarter when the

GAL or CASA was appointed even if the appointment occurs during post disposition proceedings. Excluding GU cases, if a GAL or CASA was appointed in a case type not listed, include the case in a tally in the “other” column. The report preparer should confirm the data entered with the county GAL/CASA program.

Question 6 – NUMBER OF COURT BUSINESS RECORD DESIGNATIONS THAT WERE OPENED DURING THE REPORTING PERIOD.

Court Business (CB) is a case type as of 1/1/2002 pursuant to Administrative Rule 8(B)(3). The CB case type applies to matters that do not relate to a particular case, but involve action taken by the court. Examples include:

- jury payroll orders;
- grand jury reports;
- *Pro Tem* and special judge appointment orders;
- adopting or amending local rules;
- *Lis pendens* registry;
- court holiday hours’ orders;
- recording a judgment that was issued in another Indiana county;
- Senior Judge naming orders and assigning work and/or cases to a senior judge;
- issuing a subpoena under Uniform Interstate Deposition and Discovery Act (I.C. 34-44.5).

As of October 9, 2012, counties no longer open a CB case to record a Department of Revenue tax warrant.

As of April, 2014, counties no longer open a CB case to record Department of Labor Warrants. This record can now be accomplished by using the INCite application. Department of Labor Warrants are no longer considered cases.

IOCS suggests that each court establish one case number for each of some of the routine orders that receive CB case types and enter all related orders for the year under the same number.

Question 7 – **IF YOUR COURT IS A CERTIFIED PROBLEM SOLVING COURT (i.e. drug court, reentry court), LIST TYPE OF COURT AND HOW MANY NEW ASSIGNMENTS IN THE REPORTING PERIOD.**

This question was originally added to the QCSR to collect information about certified problem solving courts as well as the Supreme Court Family Court Project Courts. However, beginning in 2011, this question no longer seeks information about the Family Courts. The reason for the change is that new assignments to a certified problem solving court are considered in court's weighted caseload, while assignments to the Family Court Projects are not. Beginning January 1, 2011, count the number of assignments going into the certified courts each quarter and not the total number in the certified court currently for the quarter. **The number of new defendants or convicted persons entering the program, not the number of individual cases, is reported here.** For example, if a person who is a defendant in two criminal cases is accepted into a drug court, just count them as one assignment.

Here is the list of certified problem solving courts:

- Drug Court;
- Juvenile Drug Court;
- Re-Entry Court;
- Veterans Court;
- Mental Health Court;
- Family Dependency Court.

Part VI – Alternate Judge Time

Part VI

Close

Part VI: Alternate Judge Time

1.

Service by other judicial officers in reporting court (judicial officers that are not currently assigned to the reporting court) and who are not listed on front of report:
Please indicate the number of days, or fractions of days, per reporting period that other judicial officers served in reporting court.

Days Per Reporting Period

Temporary Judges: 0.00

Pro Tems: 3.00

Senior Judges: 7.00

Transfer Judges: 0.00

(1/2 Day = 0.50, 1/4 Day = 0.25)

2.

Service by reporting judge in other courts (if the reporting judge is serving for blocks of time under a local caseload allocation plan):
Please indicate the number of days, or fractions of days, per week that the reporting judge served in other courts.

| Court of Service | Days Per Week |
|------------------|---------------|
| No Selection | 0.00 |

Question 1 – **SERVICES BY OTHER JUDICIAL OFFICERS IN REPORTING COURT.**

This relates to judicial officers who are not currently assigned to the reporting court and who are not listed on the front of the report.

This question does not collect information for a judge serving as a special judge. Special judge statistics are collected on Lines D, U, and V.

Courts are permitted to appoint temporary judges and judges *pro tem* to cover the caseload on an occasional basis. The reporting court tallies the number of days or fractions of days these alternate judges served in the reporting court. In addition, courts are permitted to use Senior Judges for a determined amount of time per year.

The preparer tallies all the days or fractions of days served by all assigned temporary, pro tem, Senior Judges and transfer judges and enters the totals in the appropriate boxes.

A temporary judge is appointed pursuant to I.C. 33-38-11.

A transfer judge is not a special judge. A transfer judge is a judge from another court who temporarily works on cases filed in the reporting court under a local caseload allocation plan, statutory authority, a Supreme Court order, or other similar arrangement. For each reporting period, the preparer tallies all days or fractions of a day transfer judges served in the reporting court and enters the total in the appropriate box.

If a judge *pro tem* has been appointed for an extended time, the number of days served is reported in this section (which may amount to the total number of weekdays in the quarter). The totals for the categories for this question are totals for all temporary judges, judges *pro tem*, senior judges and transfer judges rather than individual entries per judicial officer.

Question 2 – **SERVICE BY REPORTING JUDGE IN OTHER COURTS (if the reporting judge is serving for blocks of time under the local caseload plans).**

As designated above, local caseload plans provide transfer judges to other courts to perform work on cases. If the reporting judge has served in this capacity in a court other than the reporting court, **pursuant to an established plan**, the preparer enters the Court ID (provided in the drop-down menu) for each court in which the reporting judge served and the number of days and fractions of days **per week** the judge served in the listed court. ICOR permits the listing of more than three. The field restricts the total to no more than 5.0 days per week, individually, and as a total of the number of days reported by the reporting judge collectively. Please contact the Helpdesk if you have difficulty reconciling your records with the data validation requirement.

Part VII. - Explanation and Comment

| Explanation and Comment |
|-------------------------|
| |

This section provides a free text box with a 5000-character limit. Please provide explanation information, such as:

- Service in drug court;
- Collection of cases listed on Line P (Other disposition);
- Collection of other languages interpreted at the county expense;
- Any other comments the reporting court believes will be useful in review of the QCSR.

This section now appears at the bottom of all online data entry screens for ease in completion.

REVIEW PAGE

The Review Page offers the preparer a chance to review all entries made to the online quarterly report. Please note the left side of the screen to see each category finalized with a green check mark. If any other symbol other than a checkmark is shown, go back to that entry screen and make any corrections necessary. Often the issue is resolved by clicking the “step forward” button at the bottom of the page which results in the appearance of the green check mark.

From the review page, the preparer can submit the quarterly report. A printing option is also available from the review page.

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Appendix A

How to Report Other Judicial Officers on the QCSR and How Those Numbers Translate into the Number of Judicial “Haves” for a Court

Page 1, the Preparer Page, of the QCSR contains a section called “Other Judicial Officers Regularly Assigned to Court During the Reporting Period.” If your court has additional judicial officers (magistrate, commissioner, referee, hearing officer) regularly assigned to your court, this is where you report that information. Accuracy in reporting is important because this information is used in calculating a court’s weighted caseload.

One person working full time, 5 days per week = 1 Judicial Officer. So, if a full time judicial officer works 5 full days per week in your court, you enter 5 days on the QCSR and that translates into 1 Judicial Officer on the Weighted Caseload (WCL) Report. (Of course, your judge always counts as 1 Judicial Officer, so your magistrate or commissioner or hearing officer is added to that 1).

However, if this full time judicial officer is shared by different courts, their time is allocated between or among the courts and the total of this person’s service in all the courts combined equals 5 days per week, or 1 judicial officer. (Part time judicial officers total less than 1 judicial officer, of course).

If the judicial officer works 1 day per week in your court, you report 1 day on the QCSR. On the WCL, this will show as .20 judicial officer, since that person spends 20% of their time in your court ($1 \text{ Day per week} \div 5 \text{ Days per week} = .20$).

On the QCSR, always report the number of days per week (or fractions of days) that the person works in your court. The chart below shows how this translates to WCL Judicial Officer “Haves” for purposes of the Weighted Caseload Report:

**You Report
on QCSR:**

**We Report
on WCL:**

| | | |
|--------|------|---------|
| 1 Days | .20 | (1 ÷ 5) |
| 2 Days | .40 | (2 ÷ 5) |
| 3 Days | .60 | (3 ÷ 5) |
| 4 Days | .80 | (4 ÷ 5) |
| 5 Days | 1.00 | (5 ÷ 5) |

If your judicial officer does not work a full day each week in your court, we do the same thing; it's just that the numbers get smaller.

| The Judicial Officer works: | <u>You Report</u> <u>on QCSR:</u> | <u>We Report on WCL:</u> |
|-------------------------------|--------------------------------------|--------------------------|
| ¼ day per week in your court: | .25 day | .05 |
| ½ day per week in your court: | .5 day | .10 |
| ¾ day per week in your court: | .75 day | .15 |

If the person works partial days, but does so on several days per week in your court, simply add up the fractions of each day worked and combine them. For example, on Mondays, the judicial officer spends ¼ day conducting initial hearings in criminal cases (.25 of one day) and then, comes back to conduct bond reduction hearings for ½ day (.5 of one day). add Monday's .25 to Thursday's .50 to report .75 day served.

Appendix B

Procedure for Intra-State Probation Transfers Effective January 1, 2011

Criminal Procedure Rule 2.3 allows a court to transfer sanctioning authority for probation violations when probation supervision is transferred to another county and a \$75.00 transfer fee was authorized for non-indigent probationers requesting transfers.

Intra-State probation transfer procedure for sentencing court:

I. If sentencing court wished to transfer sanctioning authority:

A. Note on the CCS that the case is venued to another county with the request that the receiving county assumes sanctioning authority.

B. Note the response of the receiving county regarding whether it accepts sanctioning authority. Regardless of whether the sentencing court accepts sanctioning authority, supervision of the case is venued to the receiving court.

C. No other action is needed. This case is not counted on the QCSR as "Venued Out" because the sentencing court has already counted it when a disposition occurred at time of sentencing.

II. If sentencing court does not wish to transfer sanctioning authority:

A. Note on the CCS that the case is being venued to another county but the sentencing court is retaining sanctioning authority.

B. No other action is needed. This case is not counted as "Venued Out" because the sentencing court has already counted it when it disposed disposition occurred at time of sentencing.

Intra-State probation transfer procedure for receiving court:

I. If sentencing court wishes to transfer sanctioning authority:

A. If the receiving court accepts sanctioning authority:

1. Receiving court notifies sentencing court of its decision accepting sanctioning authority.
2. Receiving court assigns the case an "MC" case type.
3. Receiving court notes on the CCS:
 - a) Name of the sentencing court.
 - b) Original case number.
 - c) Sentence handed down by sentencing court.
 - d) Sanctioning authority has been accepted.
4. The case is counted as a "New Filing" on Line B.
5. The receiving court must perform an indigency determination. If the offender is not indigent, the receiving court collects a \$75.00 transfer fee.
6. The receiving court then statistically disposes of the case as "Closed" on Line N.

B. If receiving court does not accept sanctioning authority:

1. Receiving court notifies sentencing court of its refusal to accept sanctioning authority.
2. Receiving court assigns the case an "MC" case type.
3. Receiving court notes on the CCS:
 - a) Name of the sentencing court.
 - b) Original case number.
 - c) Sentence handed down by sentencing court.
 - d) Sanctioning authority has been retained by sentencing court.
4. The case is counted as a "Venued In" on Line C.

5. The receiving court performs an indigency determination. If the offender is not indigent, the receiving court collects a \$75.00 transfer fee.

6. The receiving court then statistically disposes of the case as "Closed" on Line N.

II. If sentencing court does not wish to transfer sanctioning authority:

A. Receiving court assigns the case an "MC" case type.

B. Receiving court notes on the CCS:

1. Name of the sentencing court.

2. Original case number.

3. Sentence handed down by sentencing court.

4. Sanctioning authority has been retained by sentencing court.

C. The case is counted as a "Venued In" on Line C.

D. The receiving court performs an indigency determination. If the offender is not indigent, the receiving court collects a \$75.00 transfer fee.

E. The receiving court then statistically disposes of the case as "Closed" on Line N.

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